A

True Relation of the juſt and unjuſt Proceedings of the SOMER-ISLANDS-COMPANY:

In relation to 20 Shares of Land that PERIENT TROTT bought of the R.t Hon.ble the late ROBERT EARL of WARWICK the 22.th of *February* 1658.

And the great Juſtice ſhewed by the Said *Earl of Warwick* in the ſale of the ſaid Lands.

And the great Juſtice ſhewed by the *R.t Hon.ble the Earl of Shaftsbury.*

And the like Juſtice done by the *R.t Hon.ble the Earl of Danby Lord high Treaſurer of England.*

And the Juſtice done by the Councill in *Somer-Iſlands.*

Printed for the better Information of all Men in *England*, and in the *Somer-Iſlands*, and of all unbiaſſed perſons in the World.

ANNO MDCLXXVI.

MVSEVM
BRITAN
NICVM

6. A. d.

REGISTER.

1. *THe Order of Court made that* Charles Earl of Warwick *nor* Perient Trott *was never to appeal to any Court more held by the* Somer-Islands-Company. *in Folio* 2.

2. *A Certificate from eminent Persons in the* Somer-Islands *that there were but* 10 *Shares of* Land *that the* Earl of Warwick *had in all the Islands. Folio* 6.

3. *The* Earl of Warwick *never paid the* 600 *l. at the time præfixed by the Court the* 27.*th of* February, *as by that order. as in Folio* 9.

4. *The great Justice shewed by the* Earl of Shaftsbury. *in Folio* 11, *&* 15.

5. *The orders of Court made the* 4.*th of* March, *that the* Lands *should for ever be the* Lands *of* Perient Trott, *except recovered from him by* Law. *Folio.* 29.

6. The Sheriff *in* Somer-Islands *according to that order put* Perient Trott *into the possession of all those* Lands. *as in Folio.* 32.

7. *The Opinion of* Mr. John Mosyer *and other Learned Councel. in Folio* 32, 33 *&c.*

8. W.*m* Webb Esq.*r the* Deputies *putting to Question the passing away of the Lands of* Perient Trott *contrary to the Laws of the Land and Laws and Orders of the Company. Folio* 41.

9. *The Companies passing their seal, and giving away the* Lands *of* Perient Trott *to* Daniel Finch Esq.*r and Others without a Tryall by a Jury. in Folio* 41 *&* 42.

10. *The Justices of the Councill in* Somer-Islands *that refused to put in execution the Order of the said Company. in Folio* 43, 44, 45.

11. *A Letter to* W.*m* Milborn *the Zealous professing Tub-Preacher, in Folio.* 46.

12. Perient Trotts *thanks to the Council, in not executing the Order of the Company, being contrary to the fundamentall Laws of the* Land *and the Companies own Orders. Folio.* 48.

13. *An Order of Court that any member might set out a Ship. Folio.* 49.

14. *A Law of the Company made that no members Ship should be admitted to be sent to the Islands, but altogether strangers Ships. in Fo.* 50 *&* 51.

* * *

15 *A Law*

15. *A Law wherein the Company bind themſelvs to ſet out two Ships yearly. Fol.* 52.

16. *The Governour and Council prohibited* Perient Trott *from loading the Tobacco of the growth of* 1673. *in his* Ship *ſent* 1674. *to the Islands. Folio* 53.

17. *Yet* Perient Trott *offered to put all differences to Arbitration to* Lawyers *and Merchants; as in* Folio 55.

18. *The Juſtice don by the R.t Hon.ble* the Earl of Danby. *in* Folio 56.

19. *The great Juſtice ſhewed by the late* Robert Earl of Warwick *in the ſale of all his* Lands *he had in the* Somer-Iſlands; *and ſo forward to the End of the Narrative. in* Folio. 57, 58.

FINIS.

A true RELATION

Of the Juſt and Unjuſt Proceedings of the *Somer-Iſlands-Company*, &c.

AT a Quarter-court *for the Somer-Iſlands-Company*, held at *Armourers Hall* in *Colemanſtreet, London*, on Weddenſday the 12th. of February 1667.

The Right Honble Edward Earl of Mancheſter Governour. Preſent

The Right Honble the Earl of Devonshire, and *Sr. Gilbert Gerard* Deputie. With 33. Members of the Company, beſides.

WHereas the *Right Honble Charles Earl of Warwick* had long ſince put in his Claim to 21. ſhares of land lying and being in ſeverall Tribes in the *Somer-Iſlands*, as being the next immediate perſon, to whom the ſame are given, and Limited in remainder upon the deceaſe of *Robert* late *Earl of Warwick* Elder Brother of the Claimant, according to the deed of ſettlement of the premiſes: With ſeverall other Lands and particulars, by the *Right Honble Robert* late *Earl* of *Warwick deceaſed*, the Claimants Father, bearing date 31th. *March* 1642, the ſame 21. ſhares being, as it is ſaid, detained from the Claimant by *Mr. Perient Trott* a Member of this Company: And whereas the ſaid Claymant was by the laſt preparative Court for this Company, holden 7th. of *February* inſtant, recommended to the hearing of this Quarter-Court, and that this day the ſaid *Earl* was preſent in perſon, attended with Councell Learned in the Laws, and ſhewed himſelf ready for a Hearing: But *Mr. Trott* alledged, that he had not ſufficient notice; at leaſt, that he knew not of bringing of Councell, and having none to defend his Cauſe, he therefore prayed the Court, that the Hearing of the ſaid Claim might be reſpited, and the Cauſe put off to another day. After the read-

ing of the ſaid Deed of ſettlement produced in Court, for making good the ſaid Claim, and a long debate of the matter; It was *Ordered* by & with the conſent of the *Right Honble* the ſaid *Earl of Warwick* and *Mr. Perient Trott*, that this Cauſe ſhall be heard at a General Court, to be holden by this Company, at the uſuall place of Sitting, on *Thorſday the 27th of February* inſtant at two of the clock in the afternoon; They the ſaid Parties withall, declaring their conſent, that they ſhall and will ſtand to, and abide the determination of the ſaid General Court, and that they ſhall not, nor will Appeal therefrom, to the next, or any other Quarter Court, to be holden for this Company.

THO. MARTEN *Secretary to the Said Company.*

AT a Generall Court for the *Somer-Iſlands-Company* held at *Armourers Hall* in *Coleman-ſtreet London*, on Thorſday the 27th of February 1667.

Preſent

The Right Honble Edward Earl of Mancheſter Governour.

The Right Honble the Earl of Devonſhire.
Sr. Gilbert Gerard Knight Deputie.
Sr. Charles Pym K^t. and Baronet.
Sr. Francis Gerard K^t.
Sr. Richard Pigott K^t.
John Heydon Eſquire.
Mr. Alderman Chaundler.
W^m. Webb Eſquire.
Leon. Ward Eſquire.
Ed. Boſcawen Eſquire.
Henry Sandys Eſquire.
Mr. Wm Greaves.
Mr. Samuel Smith.
Mr. Nathaniel Smith.
Lieut. Colonel Fine.
W^m Jeſſop Eſquire.
Mr. John Chaundler.
Mr. John Br wning.
Mr. Chriſtopher Huſſey.
Mr. George Day.
Mr Humphrey Beane.
Mr. Edmund Harvey.
Mr. Tho. Baker.
Mr. Robert Clayton.
Mr. John Wiſe.
Mr. Humphrey Meverell.
Mr. Tho. Felgate.
Mr. James Jauncey.
Mr. John Wiſeman.
Mr. John Cuſſe.
Mr. John Speering.
Capt. John Jenkins.
Mr. Arthur Jones.
Mr. Ben. Allen.

Whereas at a Court holden for this Company the 31th *of Octob.* 1667. the Right Honble *Charles Earl of Warwick* did exhibit in writing

ing his Claim to 21 shares of Land, Lying and being in severall Tribes in the *Somer-Islands*; whereas the R^t. Honble *Robert* Late *Earl of Warwick* the Claimants Father was heretofore in his life-time, and at the time of his death, seized in Fee, to him and his Heirs, *that is to say*, of and in One share of Land in *Warwick Tribe*, in the said Islands, then or late in the tenure or occupation of *John Wainwright* or his Assigns; Two shares and an half in *Warwick Tribe* aforesaid, then or late in the tenure or occupation of *Charles Whetenhall* or his Assigns; One share of Land in *Warwick Tribe* aforesaid, then or late in the tenure or occupation of the said *Charles Whetenhall*; Two shares of Land in *Warwick Tribe* aforesaid, then or late in the tenure or occupation of *Capt. Christopher Lea* or his Assigns; Two shares and a half of Land in *Warwick Tribe* aforesaid, then or late in the tenure or occupation of *John Deuit* or his Assigns; One share of Land in *Warwick Tribe* aforesaid, then or late in the tenure or occupation of *John Deuit* or his Assigns; One share of Land in *Smith Tribe* in the said Islands, then or late in the tenure or occupation of *John Bayly* or his Assigns; Four shares of Land neer the Crawle in *Hamilton Tribe* in the said Islands, then or late in the tenure or occupation of *Thomas Durham* or his Assigns; One share of Land in *Devonshire Tribe* in the said Islands, then or late in the tenure or occupation of *Thomas Durham* or his Assigns; Two shares of Land in *Southampton Tribe* in the said Islands, then or late in the tenure or occupation of *Thomas Wells* or his Assigns; One share of Land there, commonly called the *Church-share*, half of which then or late was in the tenure or occupation of *Philip Warden* or his Assigns, and the other half in the tenure or occupation of *John Wells* or his Assigns; and lastly, One share of Land in *Davids Island*, part of the said *Somer-Islands*, then or late in the tenure or occupation of *M^r. Kestoven* or his Assigns: Which said 21. shares are, as it is said, detained from the Claimant by *M^r. Perient Trott* a Member of this Company. And the Plantiff, to make good his said Claim, this day, as formerly, produced a Deed under the hand and seal of the R^t. Ho^ble the said *Earl of Warwick* deceased, the Claimants Father, bearing date the 31th. *of March* 1642. Whereby it appeared that the said severall shares were, with divers other Lands and particulars, setled upon *Robert Lord Rich* then Son and Heir apparant to the said *Earl*, elder Brother to the Claimant, for the Term of his natural life, with severalremainders, to the first and second, and so to the 10th. Son of the said *Robert Lord Rich*, and the several respectiv heirs

males of the body of every such Son, lawfully to be begotten; and for want of such issue, the remainder to the Claimant and his Heirs-males of his body with other remainders over: And for further proof, produced *Mr. William Jessop* as a witness; who, being sworn, saith, that he saw the said Deed sealed and delivered by the said *Robert Earl of Warwick*; and he the Deponent did set his hand, as a witness thereto, and that he knoweth the hands of *Arthur Wilson*, and *Thomas Goldsbrough*, also subscribed as witnesses to the said Deed; and also *George Beeston*, another of the Witnesses, since dead, to which Claim *Perient Trott* the Defendant, being duly summoned, appeared and made his defence, and produced a Deed bearing date the 22th. day of February 1638 whereby the Rt. Honble *Robert Earl of Warwick* Eldest son of the said *Robert Earl of Warwick*, after the decease of his father, had, for the Consideration of six hundred pounds of lawfull English money, bargained, conveyed, and sold 20. shares of Land in the *Somer-Islands*, being the Lands claimed by the Plaintiff, unto him the said *Perient Trott* his Heirs and Assigns for ever. Which Deed of bargain and sale had been also confirmed under the seal of this Company the 10th. *day of July Anno Dom.* 1662. And the Defendant, by his Counsel, insisted on severall laws and Orders of this Company; and particularly on a law made the 20th. *of February* 1629. *That no alienation of any shares in the said Islands by Deed, Morgage, Lease, or otherwise, shall be of any validity, except the same be first enrolled with the Secretary of the Companie here, within one moneth after the making thereof.* And alledged that the said Deed of settlement not having been enrolled within one month after the making thereof, as by the said Law is provided, that the same ought not to be allowed of. But the Plaintiffs Councell replyed that the same Law was not observed by the Defendant in the enrolment of his Deed of purchase, of the said shares, and therefore could not be any good or sufficient plea in this case: and whereas, after a full hearing of what could be said and pleaded by Councel Learned on both sides, as well in reference to the Laws of *England*, as to the Constitutions of the *Company*; and the Court being ready to proceed to judgement; and the Plaintiffs Councel having moved, that no Member of the Company having or claiming any right to any of the said 21. shares ought to be present at the judgement, and it being alledged, and upon demaund of the question by the Court, acknowledged by the Defendant, that *Mr. Robert Clayton* and *Mr. Arthur Jones*, now present in Court, had severally one

share

ſhare a piece, parcel of the ſaid 21. ſhares, conveyed unto them by the Defendant, and therefore moved that they might withdraw; which being accordingly don, it was then put to the quæſtion whether the ſaid *Mr. Clayton* and *M, Jones* ſhould be admitted to ſit in Court at the preſent debate, and it was voted in the Affirmative: Then it was moved, That, for as much as the Court had Equitie, as well as Law, that the Plaintiff might pay the Defendant the ſix hundred pounds, which he paid upon the purchaſe of the ſaid ſhares; and the Defendant ro reſign up his Title, and reconvey the ſaid ſhares to the Plaintiff: which motion being made and accordingly embraced by the Plaintiff; it was thereupon thought fit, and Ordered by Conſent of Both ſides, that the *Rt.* Hon*ble* the *Earl of Warwick* the Claimant, paying unto *M, Perient Trott* the Defendant the ſum of ſix hundred pounds of lawfull Engliſh money, on or before the next Quater-Court to be holden for this Company, that is to ſay, on or before the 29*th day of April* next, He the ſaid *Perient Trott*, and all Claiming under him, ſhall and will make over and reconvey unto the ſaid *Earl* in ſuch Lawfull manner, as by Councel Learned in the Law, ſhall be reaſonably deviſed, adviſed, and required, all thoſe 20 ſhares of Land in the ſaid Iſlands, or any other ſhares which he or they have held and enjoyed, or might pretend to have, hold, or enjoy by vertue of the ſaid Deed of purchaſe, from the ſaid *Earl of Warwick* as aforeſaid; or by any other Deed or Writing from, by, or under him the ſaid *Perient Trott* the Defendant, as parcell of the ſaid ſhares: And whereas the Defendant, as in this Court is given to underſtand, hath conveyed 10. of the ſaid 20 ſhares to his ſon *Samuel Trott*, who is now abſent and beyond the ſeas; the Defendant is to give good ſecurity that the ſaid 10. ſhares ſhall be reconveyed to the Plaintiff in convenient time, and in ſuch manner as aforeſaid; and the Plaintiff to have, hold, and enjoy the ſaid 20. ſhares, or more, to his own proper uſe, and have, and receive the rents, iſſues and profits growing due and payable therefrom at or upon the 10*th* day of *November* next: And it is further ordered and agreed upon on both ſides, that the mean profits of the ſaid ſhares, whilſt in the poſſeſſion of the Defendant, ſhall not be accomptable for by him to the Plaintiff; but ſhall anſwer the Intereſt of the 600 *l.* paid upon the purchaſe, as aforeſaid: And that the Defendant, and All Claiming under him ſhall be acquitted and diſcharged by the Plaintiff from all or any demaund or Claym, to, for, or by reaſon of any waſt committed, don, or ſuffered by the Defendant or any of

them, on any the Timber or Timber-trees or otherwiſe, on any the ſaid ſhares, during the Time the ſaid ſhares were in the poſſeſſion of the Defendant, his Aſſignee, Aſſigns, or Under-Tenants.

THOMAS MARTEN

Secretary to the ſaid Company.

The declaration of Us ſubſcribing, as followeth, being ſeveral Inhabitants in the *Somer Iſlands*, affirming under our hands, that there were but 20 compleat ſhares of Land lying and being in the *Somer-Iſlands* alias *Bermudoes*, that did belong to the R^t Honble *Robert* late *Earl of Warwick* deceaſed; who ſold 20 ſhares of Land to *M^r. Perient Trott* the 22th. *of February* 1658. one ſhare of the ſaid 20 ſhares of Land *John Bently*, liveth on, and another ſhare of the twenty ſhares of Land *old John Yates* liveth on, both which ſhares make up the full number of 20 ſhares of Land with all the common Lands belonging to the ſaid 20 ſhares of Land, by the ancient Laws and orders of the *Somer-Iſlands* Company, to our knowledge, following.

Whereas there is a copie of a Deed under the hand of the late *Robert Earl of Warwick* deceaſed, with the Companys ſeal, confirming the ſame come over to theſe *Iſlands* atteſted under the hand of *Thomas Marten* our late *Secretary*, *John Briſtow*, and others; confirming that the late *Earl of Warwick*, did ſell unto the ſaid *Perient Trott ſenior* 20 ſhares of Land for ever, as by the Deed bearing date 22th *February* 1658. and that it hath been (as we are informed) ſuggeſted by ſome perſons to *Charles Earl of Warwick* that now is, that there were 21 ſhares of Land in the *Iſlands* that did belong to the late *Robert Earl of VVarwick*, and to the end *his Lordſhip* that now is, and the *Honble Company*, and all other Perſons might be truly informed, and to the avoyding of needleſs and endleſs ſuits in Law, We Following Subſcribing have been deſired by *M^r. Samuel Trott* on the behalf of his Father and others, to make enquiry throughout the Iſland, to ſeek out how many ſhares of Land in truth and reality there are in the ſaid *Iſlands* that did belong unto the late *Robert Earl of VVarwick*, who ſold 20 ſhares of Land to the ſaid *Perient Trott:* and, upon diligent ſearch, there is no more in the ſaid *Iſlands* but twenty ſhares with the common lands belonging to them, laid out at the firſt according to the Laws, and Cuſtoms, and orders of the Company:

and

and the miſtake aroſe by him that drew the Deed from the ſaid *Robert Earl of VVarwick*, to the ſaid *Perient Trott*: for there is a miſtake in the ſaid Deed, in Two ſhares of Land, ſo called, the firſt there mentioned in the Deed as followeth. *All that one ſhare of Land in VVarwick Tribe there or now or late in the tenure or Occupation of John VVainwright or his Aſſigns*, counted by eſtimation 25 Acres more or leſs, abutting Weſt, on a ſhare of land of the ſaid *Earls*, now or late in the tenure or occupation of *Thomas Moor*, or his Aſſigns; and Eaſt, on another ſhare of Land now or late in the tenure or occupation of *Anthony Gilliard* or his Aſſigns.

The which ſhare of Land the *Old Robert Earl of VVarwick* ſold away to *Franç is Allen* in his life-time, and it hath been poſſeſſed by the ſaid *John VVainwright*, as appeareth by the ſaid *John VVainwrights* Deed bearing date the 24 *day of February* in the year of our Lord 1642.

And another miſtake in the Deed, is the laſt ſhare of the Deed, ſo miscalled, being 25 Acres lying in *Davids Iſland*, the which, by a miſtake is called a ſhare, but is no ſhare, but an overplus Land, belonging to the five ſhares of Land lying in *Hamilton Tribe*, to make good the poverty of the ſaid Land, as more particularly appears in a printed *Law* of the Company in *page* 35, *Law* 107, *on February the* 6.th 1621. confirmed by a Quarter Court *May the* 29th 1622. in theſe words following:

All the Reſidue of the Land with the little Iſlands and ſpots adjoyning is, and ſhall be for ever continued publick Land, that is to ſay, *the Land of Governour and Company of the Citie of London, for the Somer-Iſlands, and ſhall not be alienated from the body of the ſaid Company, or ſubdivided amongſt the ſaid Company, or any part thereof, ſave the* 200 *Acres of the Iſland called Davids Iſland ſhall be annexed to Harrington and Hamilton Tribe to make recompence for the alledged ſterility of the Land in that Tribe.*

And further it appeareth to ly to the ſaid ſhares, by *Mr. Richard Norwoods* late Survey-book ſent over to the Company; a Copie of which we have ſeen under your *Secretaries* hand: And further it doth appear to ly to the ſaid ſhares by a Law and Order of the Company, that is come to our hand, from the *Secretary* in theſe words following:

Upon conſideration of a motion made at this Court the 26.th *day of December* 1640. *by Mr. Samuel Dike, for making up* 30 *Acres of Land in Davids Iſland being overplus-Land to ſix ſhares of Land in Hamilton*

Tribe,

Tribe, and not paſſed away with the ſaid ſhares, by his Father, it was upon the quæſtion put to the Vote, whether for the future any ſhare or ſhares of Land in the Iſlands ſhould be paſſed away without the Overplus Land thereunto belonging, as it was allotted upon the firſt diviſion of Land there, or not, and it was voted it ſhould not; and ordered accordingly.

So ly both the foregoing Laws of the Company: the *Earl* could not make that Land in *Davids Iſland* a ſhare, that was laid out to his other ſhares, by all thoſe Laws of the Company made ſo many years before the ſaid *Earl* ſold the 20 ſhares to the ſaid *Perient Trott.*

And further, to prove that the ſaid 25. Acres of Land in *Davids Iſland* is no ſhare of Land, by another printed Law of the Company, you ſhall find the firſt Law the Company made in the *firſt page* in theſe Words following:

The Company in Somer-Iſlands conſiſts of Freeholders and Owners of Land: Nevertheleſs no man ſhall be admitted into the Company, or have voyce in any Election, or other buſineſs, in quality of a Freeholder or Owner of Land there, that is not Owner of one whole ſhare at the leaſt of the 405. ſhares, in which the 8. Tribes of the Somer-Iſlands are divided, &c.

And further, It doth appear to be no ſhare, *by another Law* of the Company printed: *in page 34. Law* 105. in theſe Words following:

The Land in Somer-Iſlands is partly publick, and partly private: the private Lands are divided into 8 Tribes lying from the Common Land in this order: namely Harington and Hamilton Tribe, Smiths Tribe, Devonshire Tribe, Pembrook Tribe, Pagets Tribe, VVarwick Tribe, Southampton Tribe, Sandys Tribe; each of theſe Tribes is ſubdivided into 50. ſhares belonging unto particular Owners.

Gentlemen, I pray take notice, that the ſaid *Robert Earl of VVarwick* ſold to the ſaid *Perient Trott* 20 ſhares of Land, all which 20. ſhares of Land muſt be ſuch 20. ſhares of Land as are capable to make 20. Members in the ſaid Company, and muſt ly alſo in one of the 8. Tribes, or els can make no member: ſo thoſe 25. Acres of Land that are mentioned in the ſaid Deed to be a ſhare of Land in *Davids-Iſland* can make no Member, not being one of the ſhares of Land lying in one of the 8 Tribes aforeſaid; but is Common Land, and ſo can be no ſhare of Land as aforeſaid; ſo that the 25 Acres of Land in *Davids-Iſland* is no ſhare; but doth belong

belong to the 5. shares in *Hamilton Tribe*, part of the purchaſe of 20. shares of Land aforeſaid, being Common Lands, laid out, as appeareth by all thoſe ancient Laws foregoing, made by the ſaid Company neer 40. years before the ſaid *Earl* ſold the ſaid 20 shares to the ſaid *Perient Trott*.

That ſo indeed and in truth, though in the ſaid Deed there is mentioned to be ſold 20. shares of Land to *Mr. Trott*, that he paid for: yet there are but 18. shares of Land in the Deed expreſſed; ſo the Two shares more that muſt make up the 20 shares, are theſe Two shares expreſſed following: Namely, one share that *John Bentley* liveth on, who turned Tenant to the ſaid *Perient Trott*, and paid to him rent ſeverall years, as ſoon as the ſaid *Perient Trott* purchaſed the ſaid 20 shares, as hath been teſtifyed by Atturneys and others: and further, it appeareth, The ſaid *John Bentley* became Tenant to the ſaid *Mr. Trott*, by *Mr. Norwoods* late Survey-book, who records the ſaid *John Bentley* Tenant, and *Mr. Trott* Landlord, as appeareth by certificate come over, under your *Secretaries* hand.

And the other share to make up the 20 shares, is that which *Old Yates* liveth on, near the flats-bridge, who became Tenant to the ſaid *Mr. Trott* from the firſt, after the *Earl* ſold the 20 shares to *Mr. Trott*.

And thus have we truly ſtated the matter in difference, to the end the *Honble Company* and the *Earl* and all others might be truly informed; and that *Mr. Perient Trott* might enjoy what he had purchaſed, being manifeſt by his Deed under the Companys Legal ſeal, alſo to be 20 shares in number that he paid for; and no more shares of Land are there to be found that belonged to the *Old Earl of Warwick* the Father of *Robert Earl of Warwick* that ſold the Lands to *Mr. Trott* in the *Somer Islands* alias *Bermudoes*, but twenty shares, as aforeſaid. Dated in the *Somer Islands* this 17.th *day of September* in the year of Our Lord 1674.

And ſo We ſubſcribe ourſelvs
Your Honours moſt humble Servants

Florence Seymer
John Stowe.
Thomas Richards
Richard Stafford Senior
Leonard White.

But after that the Rt. Honble *Charles Earl of Warwick*, like an honourable Perſon, was fully convinced that the Lands were *bonâ fide* the Lands of the ſaid *Perient Trott* by purchaſe, *his Lordp* waved the payment of the 600 *pounds ſterling*. And ſo, by Order of Court, as well

as by purchaſe, All the Lands were the Lands of *Perient Trott:* it being *his L.ps* own agreement, that He was never to appeal more to any Court held afterward by the ſaid Company And preſently after that, The Diſcontented Party of the Company procured Some of my Tenants to turn Tenant to the R.t. Hon.ble the late *Edward Earl of Mancheſter*, by the inſtigation of Others; but far from the ſaid *Earls* inclinations: And accordingly They did turn Tenants for their private advantage: Upon which their ſo doing, the ſaid *Perient Trott* on the 6. *of February* 1673. long ſince the ſaid *Earls* death, preſented his grievance to the Company, beſeeching them to take into conſideration how He had been abuſed by his Tenants, as aforeſaid, to turn Tenants to this preſent R.t Hon.ble *Robert Earl of Mancheſter:* but it is very likely, that the preſent *Earl* did verily believe, That the ſaid Lands did deſcend to him as Heir to his Father; in as much as the Tenants did pay their rents to the ſaid *Earl:* But at laſt, The Hon.ble Company did commend My Complaint to the Grand Committee, to meet on the 9.th. day of *February* following: And accordingly they met and did recommend their Report to the next Quarter-Court to be held on the 11.th of *February* following; the which accordingly was done: And upon the Debate, the Major part of the Company did incline to decide, whoſe of right the Lands were, according to the Report of the Grand Committee (drawn out from the Records of the Company) But the Deputie *William Webb Eſq.* did refuſe to put it to the Quæſtion, contrary to the 28. law printed, *That He ought to put all things to the Quæſtion that the Company deſired him to do, Provided it was not againſt his Ma.ties Commands, and the ſtanding Laws and Orders of the ſaid Company.* But, inſtead of putting it to the Quæſtion, (as the Law required him to do) He moved, That the preſent Court the 11.th. of *February* might be adjourned with the power of a Quarter Court to be held the 16.th. of *February* following, to hear and determine the right of the ſaid Lands; and accordingly the Court was adjourned and alſo warned; but when the 16.th. *day* came (and many Aſſiſtants met at the Court-houſe) no Deputy would appear; ſo there was no Court: at which undue proceedings of the Deputy, notice was given by ſome of the members of the Company to the truly Hon.ble and juſt Perſon, the R.t. Hon.ble the *Earl of Shaftsbury*, then the preſent Governour of the ſaid Company, how buſineſs had been acted: Upon which, *his Honour* being well skilled in letting of blood, and ſtanching it alſo, *his Honour* called a Court to be held on

purpoſe

purpoſe to hear what the ſaid *Robert Earl of Mancheſter* and *Perient Trott* could ſay in relation to the ſaid Lands in quæſtion, at a Court to be held on the 4th. of *March* 1673, at which Court the ſaid Governour the Rt. Honble *the Earl of Schaftsbury*, hearing what the Comittee had don, from the Records of the Company, openly declared in the ſaid Court, that it was viſible to him that the late Rt. Honble *Edward Earl of Mancheſter* and his preſent Son *Robert Earl of Mancheſter* had no right to any of the ſaid Lands, Sold by the late Rt. Honble *Robert Earl of Warwick*, upon this Accompt, amongſt many others, that the late *Edward Earl of Mancheſter* ſat Governour in the Court the 27th. *of February* 1667. when *Charles Earl of Warwick* laid claim to all the ſhares of Land by the Bulings and Boordings, and all the Tenants named, as appeareth by the aforeſaid Order made the 27 *of February* 1667. upon which, when the Quæſtion was put, the Court (*nemine contradicente*) did vote the Lands to *Perient Trott* for ever; and no man againſt it, but the ſaid *William Webb* Eſqr. the Deputie; and this he did, though he took a large Fee of the ſaid *Perient Trott* to do juſtice for him. And furthermore it doth appear, that not any of the ſhares of Land were the preſent *Earl of Mancheſters*, in that lately, in the *Bermudoes Court*, where *Daniel Finch Eſq*r. and other Honble Perſons laid claim to thoſe ſhares of Land; the preſent *Earl of Mancheſter*, being then convinced the Lands were none of his Lordships, never put in his claim to any ſhare or rood of the ſaid Lands that formerly he laid claim unto; neither did any one of the forward members, that uſed, right or wrong, to eſpouſe his intereſt, ſo much as once open their mouths in his Lordſhips behalf; but gave their votes (as I am informed) *nemine contradicente*, for the new Claimers; which is ſufficient evidence to all unbyaſſed men in the world, that the Lands in controverſy were not the Lands of the *Earl of Mancheſter*, but the Lands of *Perient Trott*, as at large it doth appear by the Narrative following, at ſeverall Courts, and especially that Court the 4th. *of March* 1673. grounded upon the report of the grand Committee the 9th. *of February*, that met by Order of Court &c.

A *True Accompt* of the matters in difference (which of late aroſe) between the Rt. Honble *Robert Earl of Mancheſter* and *Perient Trott* of London *Merchant*, concerning Lands in the *Somer Islands*,

wich were purchaſed by the ſaid *Perient Trott* of the R^t. Honble *Robert* late *Earl of Warwick*; As by his Deed bearing date *February* 22th. 1658 appeareth: As alſo is Manifeſted by ſeverall Evidences and Teſtimonialls, which, upon ſearch for the clearing and ſatisfying the ſaid difference, are found Regiſtred and Recorded in the book of the Company of the City of London for the Plantation of the *Somer Islands*, always ready to be ſeen. *Notwithſtanding* all which, the ſaid *Robert Earl of Mancheſter* hath lately laid claim unto 4. ſhares of the ſaid Land, as in his own right: Whereunto alſo the ſaid *Perient Trott* hath replyed. And the ſeverall proofs, Allegations, Productions, and Declarations of both the ſaid parties ſeverally, of what can be ſaid and ſhewed in order to a true and right underſtanding, good compoſure, and firm ſettlement thereof according to Law and Juſtice, Together with the ſeverall Orders and proceedings of the R^t. Honble the Governour and Company of the ſaid *Somer Islands* in ſeverall Courts in further order thereunto, are All hereafter in this book at large ſet down in writing for continuance, and to be a Record for future ſatisfaction concerning the premiſes: which are as followeth (viz.)

Court Book. fol: 92.

AT a Generall Quarter Court for the *Somer-Iſlands-Company* held at *Sadlers Hall* in *Cheapſide London*, on *VVeddensday* the 12th. day of *February*. *Anno Dom.* 1672.

Preſent

William Webb Eſq, Deputy-Governour.

The R^t. Honble the Earl of Mancheſter.
Sr Gilbert Gerard Kn^t.
Richard Chaundler Eſq^r.
Mr. Perient Trott.
Mr. Browning Treaſurer.
Mr. Samuel Smith.
Mr. John Chaundler.
Mr. George Day.
Mr. Humphrey Meverell.
Mr. Hugh Noden.
Mr. James Jauncey.
Mr. Robert Stevens.
Mr. John Wiſeman.

It was at this Court ordered that an Injunction be granted for the quieting the poſſeſſion of *Charles Wheatenhall*, *Thomas Wells*, *John Styles*, and *John Wells* Tenants of the R^t. Honble the *Earl of Mancheſter*; As it was Three years before. And this to be inſerted in the Generall Letter ſhortly to be ſent into the *Somer-Iſlands*.

At

AT a Generall Court for the *Somer-Islands-Company* held at *Sadlers Hall in Cheapside, London* on *Fryday* the 7th. *day of March. Anno Dom* 1672.

William Webb Esq. Deputy-Governour. Present

Sr. Francis Gerard Kn. & Baronet.
Wm. Jessop Esq.
Richard Chaundler Esq.
Mr. John Browning Treasurer.
Mr. Perient Trott.
Mr. George Day.
Mr. Benjamin Bradbourne.
Mr. Taulson.
Mr. Samuel Smith.
Capt. Jenkins.
Mr. Jauncey.
Mr. Noden.

At this Court *Mr. Perient Trott* presented the opinion of his Councell learned in the Law, acquainting the Court, that he was wrongfully put out of his possession by an Evill Doer in the *Somer-Islands*, and alledged, That it was contrary to all Law and Equity; And desired that the Opinion of his Councell might be read, which was voted to be done; and accordingly it was read: And upon reading thereof, it was debated, that since *Mr. Trott* had brought in the opinion of his Councell in the Case about the said possession, as may further appear by the subscription it self; It was likewise moved, that if the *Earl of Mancheſter* pleased, he might also bring in the opinion of his Councell to the Company; And that upon hearing of both their Councells opinions, the Company might quiet and settle the possession where it was justly due: But the Court taking the same into consideration, did vote, That the said paper be laid aside, the *Earl of Mancheſter* not being then present: And so it was left in the hands of the Secretary of this Company. Court Book fol. 94.

Here followeth a true Copy (*verbatim*) of the said opinion of *Mr. Trotts* said Councell, which was left in the Secretarys hands as aforesaid:

I am of opinion that the *Earl of Warwicks* Conveyance of 4 shares to the *Earl of Mancheſter*, to the intent onely, to enable him to sit in Court, as can be proved in other Cases, and not as a sale, nor to the behoof of my *Lt. of Mancheſter*, but still upon trust to my *Lord of Warwick* who and his asigns enjoyed the premises from that time *viz.* 1634. to *Anno* 1668. being 34. years, without any Entry or Claim by

my *Lord of Mancheſter*, was a meer Voluntary Conveyance without any valuable conſideration; and being concealed, is voyd againſt a Purchaſer (as a Truſt is) for valuable conſideration, who knew not of it before his purchaſe, nor heard of it till after he had poſſeſſion 8. or 10 years.

Admitting my *Lord of Mancheſters* Conveyance to be good, yet, according to the Laws of England, by the Statute of Limitation of Entries, his Entry is taken away: And he could not by Entry, by the conſent of the Tenants, nor by *Ejectione firmâ* which lies onely where Entry is lawfull, recover the poſſeſſion; becauſe the intereſt which he had was by the Statute reduced to a bare right of Action, his Entry being taken away, upon which right of Action he could not have poſſeſſion, but onely by Judgement and Recovery in a Writ of Right or other reall Action: and if one that hath right whoſe Entry is taken away by the ſtatute do Enter and come into poſſeſſion without ſuch Judgement, his Entry is T*ortious*, and he is not in Law accompted as in poſſeſſion, upon his right, but by wrong; and he that had the former poſſeſſion (as M^r. *Trott* had) may by vertue of his former poſſeſſion, without Shewing any title recover the poſſeſſion again, as againſt any other wrong-doer, and keep it untill he that hath right recover it by a reall Action. And all this, admitting M^r. *Trott* had no right for his firſt poſſeſſion, is in ſtead of a title againſt all that have not right, and againſt thoſe that have right alſo, that do not lawfully Enter or purſue their right by their proper Action.

Beſides, I ſuppoſe *my Lord of Mancheſters* Conveyance is voyd by the Law of February 1629.

JOHN MOSYER.

February 6th. 1672.

Court Book fol. 95.

AT a Generall Court for the *Somer-Iſlands-Company* held at *Little Exeter Houſe* in the *Strand* on *Thorsday the* 13. day of *March Anno Dom.* 1672.

Preſent

The right Honble the Earl of Shaftsbury L^d. High Chanceller of England Governour.

W^m. Webb Eſq^r. Dep.^ty-Governour.

The R^t. Honble the Earl of Mancheſter.

Sr. Gil-

Sr. Gilbert Gerard Knt.
Sr. Geo. Waterman Knt. } *Alder.*
Sr. Robt. Clayton Knt. }
Richd. Chaundler } *Esqrs*
Nathaniel Letton. }
Humph. Beane.
Mr. *Perient Trott.*
Mr. *Browing Treasurer.*
Mr. *Geo. Day.*
Mr. *John Wyse.*
Mr. *John Chaundler.*
Mr. *James Jauncey.*
Mr. *Hugh Noden.*
Mr. *Tho. Tolson.*
Mr. *Tho. Felgate.*
Mr. *Sam. Smith.*
Mr. *John Wiseman.*
Mr. *John Wright.*
Mr. *Harvey.*
Mr. *Greaves.*
Mr. *Robt. Stevens.*
Mr. *Ben. Bradbourn.*

At this Court there being some debates about the Titles of the Rt. Honble the *Earl of Manchester* and Mr. *Perient Trott*, and concerning the Injunction ordered to be inserted in the Generall Letter for the quieting of the possession of the *Earl of Manchesters* Tenants, which being read, the *Lord Chancellour* informed the Court that it was not regular to grant an Injunction untill such time as some former proceeding had been; As by the *Earl of Manchesters* putting in of his Claim, & Mr. *Trotts* making Answer thereto, which would have been a ground for an Injunction; *His Lordp* moved the Court that it might be extricated out of the said Generall Letter, which by the Mutuall consent of the *Earl of Manchester* and Mr. *Perient Trott* was accordingly done: *His Lordp* proposed a Comission to be directed to two persons, whom the said Parties should nominate, to certifie how the possession hath formerly stood, and the Boundaries of the said Lands: it was also proposed by *His Lordp* That the difference be referred to two, *The Earl of Manchester* to choose the one, and Mr. *Perient Trott* the other, to determine & end the said differences: And the *Earl of Manchester* forthwith to put in his Claim, which Mr. *Trott* very readily agreed unto. And if they could not agree, he then desired it might be left unto the *Lord Chancellour* and *Governour* fully to hear, end, and determine the same.

AT a Generall Court for the *Somer-Islands-Company* held at *Sadlers-Hall* in *Cheapside*, *London* on the 24th *day of March. Anno Dom.* 1672. Court Book fol. 96.

Wm. Webb

Present *Wm. Webb Esq.* Dep.ty Governour.

Sr. *George Waterman Knt. and Alderman.*
Mr. *Perient Trott.*
Mr. *Browning Treasurer.*
Mr. *Samuel Smith.*
Mr. *Nath. Smith.*
Mr. *Wyse.*
Mr. *Day.*
Mr. *Felgate.*
Mr. *Stevens.*

At this Court Mr. *Perient Trott* delivered in his Claim to certain shares of Land in the *Somer-Islands* unto which the now Rt. Honble *the Earl of Mancheſter* hath formerly pretended a title: which said Claim being put to the vote, was by order of Court read: And was likewise voted that the said *Earl of Mancheſter* should have notice thereof given unto him, and a Copy thereof, if he please.

A true Copy of which said Claim (verbatim) *is as followeth* (viz.)

That *Robert Earl of VVarwick* deceased being in his life time lawfully possessed & interessed in Twenty shares of Land in the *Somer-Islands*, by his Deed indented bearing date the 22.th *February* 1658. made between the said *Robert Earl of VVarwick* of the one part, and *Perient Trott of London, Merchant* of the other part, in Consideration of six hundred Pounds therein mentioned, Did sell, convey & assure, among severall other shares of Land there, those then lately in the severall tenures of *John VVheatenhall*, *Thomas VVells*, *John Stiles* alias *Philip VVarden*, and *John VVells*: By vertue whereof the said *Perient Trott* entered and became thereof lawfully possessed and seized in his Demeasne as of Fee to him and his heirs, and became justly entituled thereunto; And did for severall years then after, accordingly receive all the rents, issues and profits of the premisses, untill of late the *Earl of Mancheſter* pleaded some title to the said 4 shares of Land by colour of some Conveyance he supposed to have been unto *Edw.* late *Earl of* Mancheſter his late father, by and from *Robert* late *Earl of VVarwick* father of the said *Robert* late *Earl of VVarwick*, under whom the said *Perient Trott* claimeth; and hath procured the Tenants of the said *Perient Trott* to attorn Tenants & pay their rents unto *His Lordp*: Whereas, if any such Deed were made as is pretended, the same was onely a Voluntary Conveyance, & made without any valuable consideration, & onely in trust, & ought, if any such be, to be set aside, as against the said *Perient Trott*, who is a Purchaser

(bona

(*bonâ fide*) & for valuable Conſideration, which the ſaid *Perient Trott* humbly prayeth this *Honble Court* may be done accordingly, and that he may be reſtored to his peaceable poſſeſſion, and enjoy the ſaid Lands (as lawfully and of right he ought) by the power and Juſtice of this *Honble Court*, againſt the ſaid *Earl of Mancheſter*, and all Claiming by, from, or under him the ſaid *Earl of Mancheſter*.

PERIENT TROTT.

AT a General Court for the *Somer-Iſlands-Company* held at *Exceter House* in the *Strand* on *Saturnday* the *Twentieth day* of *April* *Anno Dom.* 1673. Court Book fol. 97.

The R^t. Honble Anthony Earl of Shaftsbury Lord High Chancellour of England Governour. Preſent

W^m. Webb Eſq^r. Dep^ty Governour.
Sr. *Fr. Gerard Kn^t. & Bar^t.*
Sr. *Gilbert Gerard Kn^t.*
Sr *Geo. Waterman Kn^t. & Ald^n.*
Hugh Boſcawen, *Edw. Boſcawen*, *W^m. Jeſſopp*, *Richard Chaundler* } *Eſq^rs.*
Mr. *Perient Trott.*
Mr. *Geo. Day.*
Mr. *Luke Wilks.*
Mr. *Bradbourne.*
Mr. *Jo. Chaundler.*
Mr. *Greaves.*
Mr. *Tho. Felgate.*
Mr. *Sam. Smith.*
Mr. *Robert Stevens.*
Mr. *James Jauncey.*

It was ordered by this Court that the Secretary do give notice by Letter unto the R^t. Honble the *Earl of Mancheſter*, That M^r. *Periens Trott* hath put in his Claim to theſe four ſhares of Land which *His Lord^pp* pretends a right unto: And alſo to ſignifie in the ſaid Letter, that if *His Lord^pp* do not put in his Claim by the *Firſt* day of *Trinity Term* next, then Mr. *Trott* to have liberty to proceed by Comiſſion to examin Witneſſes, which ſaid Letter was ſent accordingly.

AT a General Court for the *Somer-Iſlands-Company* held at *Sadlers Hall* in *Cheapſide*, *London* on *Tueſday* 10. *June*. *Anno Dom.* 1673. Court Book fol. 100.

W^m. Webb

Present *Wm. Webb Esq.* Deputy Governour.

Court Book fol. 100.

Sr. *George Waterman Knt. Aldm.*
Mr. *Browning* Treasurer.
Mr. *Perient Trott.*
Mr. *George Day.*
Mr. *John Chaundler.*
Mr. *Tho. Toulson.*
Mr. *Sam. Smith.*
Mr. *Nath. Smith.*
Mr. *Thomas Felgate.*
Mr. *Humph. Meverell.*

Whereas the Rt. hon^ble^ the *Earl of Mancheſter* according to a former Order of Court, had notice ſent unto him by the Secretary in a Letter concerning putting in of his Anſwer to the Claim of Mr. *Perient Trott* by the beginning of *Trinity Term then* next coming; which hath not been done accordingly; which being now debated at this Court, It was again Ordered, That *his Lord^p^* have another Notice given unto him by the Secretary to put in his Answer to the ſaid Claim of Mr. *Perient Trott* at the next Quarter-Court to be holden for this Company, which will be on the 18.th day of this inſtant *June*.

AT a General Quarter Court for the *Somer-Iſlands Company* held at *Sadlers Hall* in *London*, *Weddenſday* the 18.th day of *June*, *Anno Dom.* 1673.

Wm. Webb Esq. Deputy.

The Rt. hon^ble^ the *Earl of* Mancheſter.

Mr. *Perient Trott.*
Mr. *Browning* Treaſurer.
Mr. *George Day.*
Mr. *Nathanaël Smith.*
Mr *Thomas Felgate.*
Mr. *Humph:* Meverell.
Mr. *Robert Stevens.*

At this Court the Rt. Honble the *Earl of* Mancheſter did make and ſubſcribe his Declaration according to an Order of Court of the 20.th day of *April* laſt paſt.

It was deſired at this Court by *his Lord^p^* the *Earl of* Mancheſter, that he might have liberty given unto him until Michaelmas Term next for the putting in of his Anſwer to the Claim of Mr. *Perient Trott* concerning

cerning certain shares of Land in the *Somer-Islands*, in controversy between his *Lor.* & the said Mr. *Trott*.

THe Answer of the R^t. hon.^ble *Robert Earl of Mancheſter* to the Claim of *Perient Trott Gentleman*, to ſeveral shares of Land in the *Somer-Islands*, where he ſaith as followeth (viz.)

That the R^t. Honble *Robert* late *Earl of VVarwick* (now deceaſed) being ſeized in Fee of & in 20. shares of Land, in the ſaid Iſland, By his Deed bearing date the *Firſt of July* in the year of our Lord 1634. For & in conſideration of a competent Summ of money therein mentioned to be in hand paid to him the ſaid *Earl of VVarwick* by the name of the R^t. hon^ble *Robert Lord Rich*, Did give, grant, bargain, Sell, alien, aſſign, and ſet over unto the R^t. hon.^ble *Edward Earl of Mancheſter* deceaſed, Father to the ſaid *Earl Robert* by the name of *Edward Lord Viſcount Mandevil*, 4. of the ſaid shares by the name of any 4 of his Shares of Land, containing, by eſtimation, 25. Acres of Land a piece, or thereabouts, lying within the *Somer-Islands*, At the choice and election of the ſaid *Edward Earl of Mancheſter*, To have and to hold the ſaid 4. shares of Land, together with all and ſingular the profits, commodities and Hereditaments whatſoever thereto belonging, unto the ſaid *Edward Earl of* Mancheſter his heirs and aſſigns. And the ſaid *Robert Earl of VVarwick* did alſo by his Deed for himſelf, his heirs and aſſigns, Covenant and agree to & with the ſaid *Edward Earl of* Mancheſter, That the ſaid *Edward Earl of* Mancheſter shall have, hold and enjoy the ſaid four shares of Land with th'appurtenances without the lett or interruption of the ſaid *Robert Earl of* Warwick his heirs or aſſigns, or by his or their means, conſent or procurement. And at the Court for the Company of *Somer-Islands*, *July* 3. 1634. The ſaid *Edward Earl of* Mancheſter was admitted a Member of the Company, and the Conveyance Regiſtred. The ſaid 4 ſhares were afterwards choſen and elected by the ſaid *Edward Earl of Mancheſter*, and enjoyed accordingly, without the Oppoſition or Controul of any Man, except the ſaid *Perient Trott*, who for ſome time gave his Tenants Diſturbance.

The ſaid *Edward Earl of Mancheſter* died ſeized of the ſaid 4 ſhares; And the ſaid *Robert Earl of Mancheſter* is his ſon and heir, and is thereby entituled to, and in the actuall poſſeſſion of the ſame.

Court Book fol. 103.

AT a Preparative Court for the *Somer-Islands-Company* held at *Sadlers Hall* in *Cheapside*, *London*, on *Fryday* the 6th. day of *February*, *Anno Dom.* 1673.

Wm. Webb Esq. Depty

Present,

Mr. *Perient Trott*.
Mr. *Jo. Browning* Treasurer.
Mr. *Geo. Day*.
Mr. *Sam. Smith*.
Mr. *Tho. Felgate*.
Mr. *Robert Stevens*.
Mr. *Tho. Toulson*.
Mr. *Humph. Meverell*.

At this Court, the Report of the Grand Committee of the 5th. of *December* last was read; And ordered to be referred to the Grand Committee to meet on *Moonday* next at three of the clock in the afternoon at the Court-house, 5. of them to be a *Quorum*, and to make their report thereof to the next Court.

Whereas Mr. *Perient Trott* at this Court produced a paper subscribed by him, directed to the Rt. Honble the *Governour* and *Company* of the *Somer-Islands*, concerning some Lands in controversy between him and the Rt. honble the *Earl of Mancheſter*, which being put to the vote, was ordered to be read, And upon reading thereof; the said Paper was also referred to the Grand Committee, and the said *Earl of Mancheſter* to have notice thereof.

A True Copy of which said paper or writing (*verbatim*) is as followeth: viz.

The humble Reply of *Perient Trott* of *London Merchant* To the Rt. honble the *Earl of Mancheſter* his Answer to the said *Perient Trott* his Claim, is as followeth (viz.)

1. That the Rt. hon.ble the present *Earl of Mancheſter* never had any Land in the *Somer-Islands*. And that his late Father *Edward* late *Earl of Mancheſter* hath had no Lands there since *Anno* 1644. being 29. years ago: As can be made appear by the books and records of this Company, if searched into; whereof the said *Perient Trott* humbly prayeth *his Lordp* may have notice given unto him by order of this Court, and may be requested to make appear to the Comittee that shall be appointed by this Company to hear and examin concerning the matters in difference between the said *Earl of Mancheſter* and the said *Perient Trott*, what-

what right *his Lord.p* hath unto any Lands in the ſaid *Somer-Iſlands*.

The ſaid *Perient Trott* having lately received a Letter from his Agents in the ſaid *Somer-Iſlands* dated *November* 18.th 1673. relating to buſſineſs about his Tenants there, from whom he hath received very much wrong: He therefore humbly prayeth, that this Court would be pleaſed to appoint a Committee to meet on Moonday next to peruſe the books and Records of this Company, and alſo to view Severall Letters he hath to ſhew unto them of Concernment to him, who greatly hath and doth ſuffer by his ſaid Tenants not paying his rent due unto him. And that the ſaid Comittee would make report in writing what they ſhall finde therein, that may tend to do right to the party wronged, unto the next Quarter-Court to bee held for this Company on the 11.th day of *February* inſtant. And that what thereof the ſaid Court ſhall approve and judge fit on the behalf of the ſaid *Perient Trott*, he humbly prayeth may be with all convenient ſpeed recommended and remitted to the *Governour* and *Councell* reſiding in the ſaid *Somer-Iſlands*, by the way of the *Barbadoes*: that he may be righted wherein he is wronged; As the Company uſed to do for other of their Members who have been wronged by their Tenants; as he hath been, and is: wherein You will ever oblige

London February 6.th 1673.

To the R.t hon.ble the Governour *and* Company *of the City of* London, *for the plantation of the* Somer-Iſlands.

Your honours moſt humble Servant

PERIENT TROTT.

AT a Quarter Court for the *Somer-Iſlands-Company* held at *Sadlers Hall* in *Cheapſide*, *London*, Weddensday the 11.th day of *February*, *Anno Dom.* 1673. Court Book, Fol. 104.

W.m Webb. Eſq. Dep.ty Governour.

Preſent.

Sr. *George Waterman* Kn.t. Ald.n.	Mr. *Nath: Smith.*
Mr. *Perient Trott.*	Mr. *James Jauncey.*
Mr. *Joh: Browning* Treaſurer.	Mr. *Humph: Meverell.*
Mr. *George Day.*	Mr. *Robert Stevens.*
Mr. *Sam. Smith.*	

According to an Order of the Laſt Preparative Court, the Grand Com-

mittee did meet together on the 9.th day of this instant *February*, And presented their Report now in Court, which by order was read, and upon reading thereof, the Court fell into debate concerning the matters in difference between the R.t. hon.ble the *Earl of Mancheſter* and *Perient Trott*, who by Order of the Court was deſired to withdraw: whereupon it was alledged by ſeverall Members of the Company that were of the ſaid Grand Committee, that in their ſaid Report they did not intermeddle with the controverſy between the ſaid *Earl of Mancheſter* and the ſaid Mr. *Trott*, for the reaſon becauſe the ſaid *Earl* did not appear at the Committee, as by order of the ſaid laſt Court he was deſired; onely the ſaid Grand Committee did ſtate the right of Mr. *Trott* to his Lands as it ſtandeth Recorded in this Companies books; whereunto it was replyed by Mr. *Deputy*, that the conſequence thereof was intermeddling with the ſaid *Earl of Mancheſters* Title, who was a Peer of the Realm, and a Member of Parliament. But it was the General Opinion of the Court that the ſaid *Earl of Mancheſters* title was not intermeddled with, or ravelled into; upon which a debate did ariſe in Court: And amongſt other things, Mr. *Deputy* did declare his Sence, that he did verily believe that the Lands in Controverſy between Mr. *Trott* and the ſaid *Earl* were formerly made over by *Robert* late *Earl of Warwick* unto the late *Earl of Mancheſter* then *Lord Mandevill* onely in truſt: But without all doubt, in Equity he did verily believe that they were all the Lands of the ſaid Mr. *Trott*; of which opinion alſo were moſt, if not all, of the Court (*Nemine contradicente.*) And Mr. *Deputy* did further inlarge, That if it could be now proved in Court, that the ſaid Mr. *Trott* had the poſſeſſion of the ſaid Lands in Controverſy 6. or 7. years, and that the ſaid *Robert Earl of Warwick* was the true Owner and poſſeſſour of the ſaid Lands before & when the ſaid Mr. *Trott* bought the ſame; Then there need be no occaſion of ſending over a Commiſſion into the ſaid Iſlands: But it not being proved in this Court, he thought it Neceſſary, that a Commiſſion ſhould be ſent over. And *his Lord.p* the *Earl of Mancheſter* to be therein alſo included, if he pleaſeth.

It was alſo Ordered, That the Secretary of this Company ſhould give *his Lord.p* the ſaid *Earl of Mancheſter* Notice thereof; And to deſire *his Lord.p*. perſonally to be preſent at the next Court to be held on *Moonday* now next coming, the 16.th of *February*, to ſhew what Legal right he hath to the ſaid Lands in queſtion. All which the Secretary performed accordingly. Unto which ſaid next Court this preſent Court adjourn-

adjourned its power, purpoſely becauſe That by the authority of this Court the ſaid Mr. *Trotts* cauſe may be the better advanced and countenanced.

NOw take notice that the Court was warned to meet on the 16.th day of *February* 1673. but the Deputy *Mr. W.m Webb* came not to the Court-houſe to make a Court, (So there was no Court) and it is ſuppoſed he kept away on purpoſe, becauſe there ſhould be no Court, That ſo *Mr. Trott* ſhould not have the benefit of the aforeſaid Quarter-Court, to have his cauſe the better advanced and countenanced, &c.

Then the *Earl of Shaftsbury* called a Court the 4.th of *March* as is here under expreſſed.

AT a General Court held by the *Company* of the City of *London*, for the Plantation of the *Somer-Iſlands*, at *Sadlers Hall* in *Cheapſide*, *London*, on *Weddenſday* the *fourth* of *March*. *Anno Dom.* 1673.

The R.t Honble the *Earl of Shaftsbury* Governour. Preſent

The R.t Honble *Earl of Mancheſter*.

Will. Webb. Eſq. Deputy.
Sr. *Geo. Waterman* Kn.t. & Ald.m.
Mr. *Perient Trott*.
Mr. *Browning* Treaſurer.
Mr. *Samuel Smith*.
Mr. *Geo. Day*.
Mr. *Nath. Smith*.
Mr. *James Jauncey*.
Mr *Tho. Felgate*.
Mr. *Robert Stevens*.
Mr. *Humph. Meverell*.

Whereas upon Mr. *Perient Trotts* Complaint made unto this Company at the laſt Preparative Court held *February* 6.th laſt paſt, it was by that Court Ordered, That a Grand Committe of this Company ſhould meet together on the *Ninth* day of *February* then next following, to conſider thereof, and to make Report thereof to the next General Quarter Court to be held for this Company on the 11.th day of the ſame Month of *February*: And accordingly they did ſo: And their Report was in the ſame Court read & recommended to the further conſideration of this Court; And their ſaid Report was in this Court openly read, and after long and ſerious debate thereof, it was well approved. The very words of which ſaid report are as followeth (viz.) Court Book fol. 104.

Whereas

Whereas *Mr. Perient Trott* a Member of the *Somer-Islands-Company* did at the last Preparative Court held for the said Company on the *Sixth of February* 1673. make complaint to the said Company, that he had been much wronged and abused by severall of his Tenants in the said *Somer-Islands*:

Court Book fol. 105. And also the said *Mr. Perient Trott* did at the said Court present his answer to the R^t. Honble the *Earl of Manchester* his Reply, the said *Perient Trott* his Claim to 4. shares of Land in the said *Somer-Islands*, of right belonging to the said *Perient Trott:* And that there may be a speedy remedy and ending of the Greivances and matters in controversy; And that a right understanding might be had whereby to do right to the party wonged, and to all Members who may suffer in the like kind, The said Company did at the said Court Order that a Grand Committee should meet together on Moonday the 9.th of *February* then next following, Ordering them or any 5. of them to be a *Quorum* to search into the books and Records of the said Company, and to hear and examin what any of the parties concerned can alledge, or what proofs or writings any can produce whereby to do right in the premises: And that there might be no pretence of Surprizal or wrong to any party concerned, the said Court did Order a Letter to be sent subscribed by the Secretary of the said Company, to the said *Earl of Manchester* to give his *Lord.^p* Notice of this said Order And that his *Lord.^p* might be heard to make out what right he had to any Land in the said Islands. And accordingly we whose names are as followeth (*viz.*) *John Browning Treasurer*, *Samuel Smith*, *George Day*, *Thomas Felgate*, *Robert Stevens*, and *Humphrey Meverell*, being a Grand Committe Ordered as aforesaid, Did meet together at *Sadlers Hall* on the said 9.th day of *February:* And after long waiting in expectation of the said *Earl of Manchesters* appearing to assert what right he had to any Lands in question, *his Lord.^p* not coming, the said Committee did fall upon searching into the books and Records of the Company, and to hear and see all that could be said or produced in behalf of the said *Perient Trott*, who did attend the Committee; And we did take great pains and endeavours therein: And upon debate of the whole matter, we did humbly report as follows (*viz.*) what we find Recorded in the behalf of the said *Perient Trott*.

First. We do find in this Companies parchment book, wherein all mens Lands in the said *Somer-Islands* are, and ought (by the Laws and Orders of

of the ſaid Company) to be recorded, That in *page* 133. of that book, it is recorded, that Robert *late* Earl of Warwick *did, as by his deed bearing Date the* 22.th *of* February 1658. *appears, ſell unto the ſaid* Perient Trott *all his Twenty ſhares of Land which he hath in the ſaid* Somer-Iſlands *for ever. And that the ſaid* Perient Trott *had for Confirmation thereof this Companies Legal Seal according to the Laws and uſuall Cuſtoms of this Company.*

And by the printed Laws of this Company *Fol* 117. wherein All 2.ly
Grants from the ſaid Company of all mens private Lands in the ſaid *Somer-Iſlands* are and ought to paſs under the ſaid Companies ſaid Legal or Comon Seal, which thereby onely is approved ſufficient proof and evidence for their right and title to their Lands there: Amongſt which ſaid 20. ſhares of Land is recorded, *two ſhares and a half thereof to be in the occupation of* Charles Wheatenhall *or his aſſigns, two ſhares more thereof in the occupation of* Thomas Wells *or his aſſigns, half a ſhare more thereof in the occupation of* Philip Warden *alias* John Styles *or his aſſigns, and half a ſhare more thereof* in the occupation of John Wells *or his aſſigns.* All which ſaid Tenants have lately refuſed to pay their Rents to the ſaid *Perient Trott* his Agents, as we are informed. Although for the ſpace of 7, 8, or 9. years together next after the purchaſe of the ſaid Lands by the ſaid *Perient Trott*, they did every one of them duly and reſpectively pay their rents to him the ſaid *Perient Trott* or his aſſigns.

We do finde in the ſaid Companies Court-book Marked *H. Fol.* 251. 3.ly
& 252. *February* 12.th 1667. It appears *That upon thoſe very Shares of Land the ſaid Tenants lived* (viz.) Charles Wheatenhall, Thomas Wells, Philip Warden *alias* John Styles *and* John Wells, *and that they were the very Tenants of thoſe very ſhares of Land that* Charles *late* Earl of Warwick *did lately, ſince the ſaid purchaſe lay claim unto, with other ſhares to the number of* 21. *Shares or more, which he declared in Court were detained from him by the ſaid* Perient Trott. And by Order of that Court of the 27.th of *February* 1667. Fol. 252. *The ſaid* Charles *late* Earl of Warwick *was ordered to pay unto the ſaid* Perient Trott 600 *li. ſterling at or on the* 20.th *day of* April 1668. *And in ſo doing, All the ſaid* 21. *Shares of Land, or more, to be, and ſhould be the Lands of the ſaid* Charles *late* Earl of Warwick *for ever. And the ſaid* Perient Trott *and* his Son Samuel *were to reconvey all the ſaid ſhares of Land to the ſaid* Earl *for ever. But on the Non-payment thereof on the day ſo limited for the payment thereof, as aforeſaid, Then all the ſaid* 21. *ſhares of Land were to be and ſhould*

be undisputably (then after) the Lands of the said Perient Trott *for ever afterward; that neither the said* Earl, *nor the said* Perient Trott *were ever to be admitted to appeal more to any Court to be held by this Company.* And so it was concluded and ordered by the said Court: That being a finall settlement and determination of the right of the said Lands to be as aforesaid.

4.ly We do find that *Mr. Richard Norwood* made his late Survey-book, *Anno* 1662. & 1663. by speciall order of this Court, to the end to know exactly who were the true Owners, Land Lords and Tenants of the said Lands in the said *Somer-Islands*; And therein the said *Mr. Norwood* hath recorded *the said* Perient Trott *to be the Landlord of all the shares of Land aforesaid; And the said* Charles Wheatenhall, Thomas Wells, Philip Warden *alias* John Stiles, John Wells *and* John Bentley *to be all his the said* Perient Trotts *Tenants*. As it appears in the said *Mr. Norwoods* said Survey-book in *Fol.* 63, 66, & 74.

5.ly The said *Mr. Trott* hath likewise produced unto us two Severall Letters signed by the said *Charles Wheatenhall* in the said *Somer-Islands*, One of them dated 16.th of *January* 1661. the other the 28.th of *May* 1667. in both which said Letters of his the said *Charles Wheatenhall*, *He owneth the said* Perient Trott *to be his Landlord, and himself to be his Tenant*: Which said whole two Letters we do believe to be his own hand-writing.

6.ly The said *Perient Trott* hath likewise produced unto us a Letter written by the said *John Bentleys* own hand; The words of which said Letter are as followeth (*viz.*)

Loving Landlord, Mr. Perient Trott,

,, My obliged Service and love with my wifes love remembred unto
,, you, and to your wife our Landlady: This is to satisfie you, that
,, I have paid my rent to your son *Mr. Samuel*, and to *Mr. Arthur*
,, *Jones:* And they did like of it, and have given me a Receipt for it,
,, which I trust is according to your Order. So having no more at pre-
,, sent: I rest

Superscribed
This for his Landlord Mr. Perient Trott, living in London, vine Court, near Bishopsgate. This present.

Yours to Command *JOHN BENTLEY.*

The

THe ſaid Letter was ſince owned by the ſaid *John Bentley* in *London*, *June* the 28.th 1669. to be his own hand writing; and it is ſo Recorded in the ſaid Letter. Witneſſes to this his ſaid Confeſſion are

Thomas Felgate.
John Falconer.
John Jenkins.
Abraham Tayler.
Thomas Richards.

And moreover the ſaid *Perient Trott* did produce unto us the ſaid *Grand Committee* one other writing with a receipt therein comprized for ten pounds paid by the ſaid *Perient Trott*, and acknowledged under the hand & ſeal of the ſaid *John Bentley*; the truth of what is therein contained is atteſted by Severall Witneſſes, whoſe names are ſet down in this Margent. 7.br

The very words of which ſaid Writing *verbatim* are as followeth. (*viz.*)

,, Whereas I *John Bentley* of the *Somer-Iſlands*, *Cooper* did live upon
,, and hold a Share of Land in *Warwick* Tribe in the ſaid Iſland, which
,, ſhare of Land did belong unto the R.t. hon.ble old *Robert Earl of War-*
,, *wick*, and I did pay the rent for the ſaid ſhare of Land to one *Mr. Ste-*
,, *ven Painter* for the uſe of the ſaid *Earl*, the ſaid *Mr. Painter* being
,, Agent for the ſaid *Earl* in his life time; but after the death of the
,, ſaid *Earl*, and of his eldeſt ſon *Robert Earl of Warwick*, I *John Bent-*
,, *ley* did for ſeverall years ſend the rent for the ſaid ſhare of Land to one
,, *Mr. Perient Trott*; and ſome years paid it to his Agents in the *So-*
,, *mer-Iſlands* for the ſaid *Perients* uſe. But for ſome ſhort time paſt,
,, one *Mr. Samuel Trott* ſon and Atturney of the ſaid *Mr. Perient Trott*
,, did ſue and moleſt me the ſaid *John Bentley* in the ſaid Iſlands, for
,, Rent, and to out me of the poſſeſſion of the ſaid ſhare of Land: And
,, the Jury there upon the Triall gave a verdict againſt the ſaid *Perient*
,, *Trott*. And, upon his Appeal for *England*, the Somer-Iſlands Com-
,, pany awarded the ſaid *Perient Trott* to pay coſts and charges Ten
,, pounds: I do acknowledge now I have received the ſaid money of
,, the ſaid *Perient Trotts*. Witneſs my hand this 28.th *June*, *Anno* 1668.
,, In the 21.st year of the raign of our Soveraign Lord *Charles the ſe-*
,, *cond &c.*

Witneſſes to this the 12. *Nov.* 1669. *John Jenkins*, *Thomas Richards.*

Witneſſes *Thomas Felgate*, *Jo: Faulkner*, *Abra. Tayler*, *Mary Holloway.*

John Bentley.

The ſaid *Perient Trott* hath alſo prdouced unto us a Letter written by 8.br

by the R^t. hon.^ble *Robert* late *Earl of Warwick* dated the ſame day of the date of his Deed *February* 22.th 1658. Atteſting that he had ſold all his Land which he had in the ſaid *Somer-Iſlands* to the ſaid *Perient Trott*, which ſaid Letter concludeth with theſe words (*viz.*)

Your friend

WARWICK.

A true Copy of which ſaid Letter follows

Cap. Sayle;

,, Theſe lines are to inform you and all my Tenants, that I have ſold all
,, my Lands in the *Somer-Iſlands* being 20. ſhares to *Mr. Perient Trott*,
,, for ever: And have received full ſatisfaction of him for the ſame: being
,, the 22.th of *February* 1658. & ſo concludes

Your friend

WARWICK.

Superſcribed.

To Wm Sayle Governour & Capt. Gen^ral. in the Somer-Iſlands.

Which ſaid Letter, we do believe was the hand-writing of the ſaid *Earl*.

We the ſaid *Grand Committee*, according to the ſaid Order of the ſaid *Company*, have made diligent and laborious Search into the Companies books and into the ſaid Letters, concerning the ſaid matters referred to us, as aforeſaid; And upon the whole matter it doth plainly and manifeſtly appear unto us upon clear proofs and good evidences that all the forementioned ſhares of Land in the ſaid *Somer-Iſlands* Do (*bonâ fide*) legally and of right belong unto the ſaid *Perient Trott* for ever; and to no other perſon or perſons whatſoever. And that the ſaid *Perient Trott* hath greatly ſuffered much wrong by late obſtructions in his peaceable enjoyment thereof wherein we being fully ſatisfied, Do humbly preſent theſe our labours and judgements, unto the R^t. hon.^ble the *Governour and Company* of the City of *London* for the Plantation of the *Somer-Iſlands*, that they, by the authority of the next Quarter Court to be holden for the ſaid Company on the 11.th of *February* inſtant, may be pleaſed forthwith to ſend their Letter to the ſaid *Somer-Iſlands* to Command the *Governour and Council* there to be actually inſtrumentall in what

what lawfully lies in their power to aſſiſt the Agents of the ſaid *Perient Trott*, that they may recover for his uſe All his rents and arrearages of rents and ſatisfaction for all dammages whatſoever that the ſaid *Perient Trott* hath ſuſtained by his Tenants, or otherwiſe, in their not paying the rents due unto him in due time, namely, from the ſaid *Charles Wheatenhall*, *Thomas Wells*, *Philip Warden* alias *John Styles*, *John Wells* and *John Bentley*, and likewiſe from any other perſon or perſons whatſoever who did turn Tenants to the ſaid *Perient Trott* for the ſpace of 3. years or more, after he had purchaſed the ſaid Lands of the ſaid *Robert* late *Earl of Warwick* by Deed bearing date the 22.th of *February* 1658. aforeſaid: To the end the ſaid *Perient Trott* may peaceably and quietly have, hold, and enjoy all the Lands & the profits thereof from the time of the ſaid purchaſe untill ſuch time as any perſon or perſons ſhall legally enter his or their action or actions againſt the ſaid *Perient Trott* in the ſaid *Somer-Iſlands*, and ſhall recover the ſame or any part or parts of the ſaid Land from him, by a *Jury* of 12. good and lawfull men of the ſame Iſlands, according to the fundamentall Laws of *England*, which Commands and deſires the Company may juſtly expect the ſaid *Governour and Council* in the ſaid Iſlands to ſee & cauſe to be duly obſerved and executed, as they ſhall anſwer the contrary at their perills. All which nevertheleſs We do humbly leave, ſubmitting to the wisdom and approbation of the *honourable Company*.

This Court doth again declare that they do well approve the before-written report of the Grand Committee, and do confirm and order the ſame accordingly.

And it is this day peremptorily ordered by the *Governour and Company* in this preſent Court, that the preſent *Sheriff* in the ſaid *Somer-Iſlands* do upon ſight of this order forthwith put the ſaid *Perient Trott* or his aſſigns into the reall and peaceable poſſeſſion of all his ſaid ſhares of Land in the ſaid *Somer-Iſlands* according to the true intent and meaning of the before mentioned Letter from the ſaid *Earl of Warwick* which lately have been and now are in the tenure or occupation of *Charles Wheatenhall*, *Thomas Wells*, *Philip Warden* alias *John Styles*, *John Wells* & *John Bently* or of their or any of their aſſigns.

And it is likewiſe ordered, that the ſaid *Sheriff* do forthwith put the ſaid *Perient Trott* or his aſſigns into the actuall real and preaceable poſſeſſion of all his other ſhares of Land by him purchaſed as aforeſaid

lying and being in ſeveral Tribes in the ſaid *Somer-Iſlands* to make up the full and compleat number of 20. intire ſhares of Land with all the Common Lands thereunto belonging, according to the fundamentall Laws and Orders of the ſaid Company by the authority of their Patent.

And we the ſaid *Governour* & *Company* do further order & command you the *Dep*^{ty}*-Governour and Council* in the ſaid Iſlands that you and every of you be by your authority inſtrumentally ready to be aiding and aſſiſting of our ſaid *Sheriff* in the due execution of the ſaid premiſes, and alſo of the Agents of the ſaid *Perient Trott* in a regular and legal recovering of all his rents and arrearages of rents, which the ſaid *Charles VVheatenhall*, *Thomas VVells*, *Philip VVarden* alias *John Stiles*, *John VVels* & *John Bentley* and every or any of them have for ſeverall years laſt paſt injuſtly & injuriously detained from the ſaid *Perient Trott* and his aſſigns. And alſo to aſſiſt the ſaid *Perient Trott* his aſſigns and Agents to recover all damages that he ſuſtained by the ſaid Tenants and their not paying of their rents due to him at the time or times it was yearly due to be paid according to the uſuall Cuſtome of that Country.

And Laſtly, it is ordered that the ſaid *Perient Trott* may and ſhall for the future peaceably and quietly have, hold and enjoy the ſaid 20. ſhares of Land with all the Common Lands thereunto belonging, and the yearly profits thereof till any Pretender or Claimer whatſoever to the ſaid 20. ſhares of Land or to any part or parcel of them ſhall ſhew and prove a better & more legall title then the ſaid *Perient Trott* hath by due proceſs of Law in the ſaid Iſlands, according to the fundamentall Laws of England and to the Laws & Orders of the ſaid Company. All which reſpective orders before-mentioned we the ſaid *Governour and Company* of the City of *London* for the plantation of the ſaid *Somer-Iſlands* Do ſtrictly order, require and command you the ſaid *Governour*, *Council* & *Sheriff* in the ſaid Iſlands that ye be carefull, active and obſervant in the due executions of the premiſes: As you will anſwer the contrary at your perils.

AT a General Court held for the *Somer-Iſlands* Company at *Sadlers Hall* in *Cheapſide*, *London*, on *VVeddenſday* the 29.th day of *April*, *Anno Dom.* 1674.

The

The R$_t$. hon.^{ble} the *Earl of Shaftsbury* Governour. Preſent,

Sr. *Fr: Gerard* Kn$_t$ & Baronet.
Sr. *Gilbert Gerard* Kn$_t$.
Sr. *George Vvaterman* Kn$_t$
Richard Chaundler Esqr.
Mr. *George Day.*
Mr. *Wm. Ieſſop Esq.*
Mr. *Samuel Smith.*
Mr. *Nathanael Smith.*
Mr. *Ja: Jauncey.*
Mr. *Hugh Noden.*
Cap. John Ienkins.
Mr. *Humph: Meverell.*
Mr. *John Wiſeman.*

At this Court the order of the laſt Court of the 4.th of *March* laſt paſt concerning Mr. *Perient Trotts* title & right to 20 ſhares of Land in the *Somer-Iſlands* which he purchaſed of the R^t. hon.^{ble} the late *Robert Earl of Vvarwick* by Deed dated *February the* 22th 1658. were read, & approved to be rightly drawn up: And for the better ſtrengthning, and authorizing thereof, it is at this Court Ordered, that Copies of the ſaid Orders of Court, and of the report of the Grand Committee of the 9.th of *February* laſt, & alſo of the preſent order be with all poſſible and convenient ſpeed atteſted under the hand of the Secretary of this Company to be true Copies thereof ſent over unto the ſaid *Somers Iſlands* directed to Sr. *Iohn Heydon* Kn^t. *Governour*, and to his *Councill* there, whom this Court doth again order, require, & command to be careſull, active & obſervant in the effectual performance and Execution of all & every the orders and particulars in the ſaid Court contained without any manner of delay or neglect upon any colour or preſence whatſoever, as they will answer the contrary at their perills.

I have examined the before-written Orders of Court of the 4.th of *March* 167$\frac{3}{4}$. & the before-written Report of the *Grand Committee* of the 9.th of *February* 1673. both contained in the foregoing leavs and alſo this above-written Order of Court: And I do find them true Copies agreeing with the Original, which according to the above-written Orders I do atteſt under my hand.

Wm MINORS.

Secretary to the R^t. hon.^{ble} the Somer-Iſlands Company.

Here

Here following you may ſee that the Sheriff did give to *Perient Trott* poſſeſſion according to the Companies order (viz.)

BY vertue of an order from the hon^ble *Company* for the plantation of the *Somer-Iſlands* bearing date the 4.th of *March* 1673. And alſo by virtue of another order, bearing date the 29.th of *April* 1674. As alſo by vertue of an Order made by the *Governour & Council* in the *Somer-Iſlands* Dated the 21.th of *Iuly* 1674. And upon the 27.th & 29.th days of *Iuly* 1674. Idid give unto *Capt. Thomas Richards* and Mr. *Samuel Trott* Aſſignees of Mr. *Perient Trott* of *London Merchant*, peaceable and quiet poſſeſſion with Turf and Twigg according to the Cuſtoms of theſe Iſlands, of all the Lands, Common Lands, houſes, edifices & buildings with th'appurtenances contained in the above-mentioned Orders, onely excepting one share that Mr. *Samuel Trott* refuſed. This was don in the preſence of them, whoſe names are hereunder written. As witneſs my hand the 10.th day of *Auguſt*. 1674.

Mr. *Richard Stafford.*
Perient Trott, Iunior.
Anthony VVhite.

ANTHONY JOINER.
Sheriff.

The above-written premiſes are the true Copy of the Original filed in the Office by me *Cornelius VVhite, Secretary.*

Now can any Act done by me *Perient Trott Senior* in *Anno* 1667. (As the Claimants pretend) make any barr againſt *Perient Trotts* new poſſeſſion given to him afterwards by the Sheriff in 1674. as appears aboveſaid? And whereas the Sheriff aboveſaid ſaith he did not give the poſſeſſion of one share of Land, that was not a share, but Common Lands belonging to the 5. shares at the Crawle, and ſo had no need of poſſeſſion to be given of that Land: for the poſſeſſion of that came in by vertue of the 5. shares at the Crawle as aforeſaid, for that was no share by ſeverall Laws and Orders of the Company.

Mr. *John Moſyer* the Councellers Opinion concerning the old *Earls* Land he had in the *Somer-Iſlands.*

1. The Earl of Warwick. That the old *Earl* never had any eſtate at Law, ſo his private ſettlement maketh no eſtate at Law, nor is good in equity.

A bare

A bare Grant of things that lie in livery makes but tenant at will.

So he must be either tenant at Will, or have no fee, or be a Disseizor.

As to disseizin

1. He could be no Disseizor: for such a Feoffee entring without Livery is in as Tenant at Will, and so hath a Lawfull possession, and his general Entry being lawfull, he shall not be construed a Disseizor, which is a wrong doer, unless he make actuall feoffment.
2. If he were a Disseizor, the Company is not bound by his disseizin, but may otherwise dispose of the Land, unless there be a descent to toll their entry: and as to that
1. No descent could toll their entry, or bind them, being out of the Land.
2. *My Lord* denies there is any descent, denying his Brother to be in as Heir, but as tenant for life.
3. If there were a descent, *Earl Robert the* 2d. must have the fee by descent, and he hath sold to Mr. *Trott*; if he had not, there must be a new descent to his daughters, not to this *Earl*.

1. That the *old Earl* never had any estate in fee, at Law by the Court of the Common Law of *England*, but as a tenant at will.

The Land being in a Corporation aggregate, if they have not alienated the Land it self, they cannot stand seized to anothers use, neither by the Common Law, nor by the Statute.

2. As he had not an estate in the Land, so he had not so much as an use in the Land by Law.

The other Premises are not more clear in Law then this, by the practice of the Corporation and all concerned.

No man hath perfect disposing power of his estate, but all alienations receive their force, and perfection from Grants of the Company.

The Act of the partie being but in nature of Surrenders of Copie-holds to the uses of others, or like Nomina to a church when the Admittance or Collation belongs to the Lord or Bishop.

The Company give and grant the Land as the Lord doth seizin.

3. That the interest he had was so much less then any setled estate, that it scarce amounted to so much, though most Parallell to the estate of a Corporation at the will of the *Lord*.

So both the *Earls* Covenant, and the last *Lords* grant, did not move nor alter the estate of the Land:

So the Freehold remains in the Company.

By the rules of Law in *Chudleys* Case *Report* 21. ,, If any man have

4. It remains

That he had to him, and his heirs onely an equity to the reception of the Profits and direction of alienation, but could not by Law alien the Lands.

not the eſtate of Land in Law, but a bare confidence on truſt in thoſe that have the Land, that he ſhall take the profits, this truſt, being but a matter in equitie or Chancery, doth not in Law give the partie either *jus in re* or *ad rem*, but a liberty in conſcience to take the profits, and that the Terr-tenant ſhall make Eſtates according to his direction.

And this was the caſe of the *Old Earl* who had the equitie, but the *Company* the Land.

For the Equitie is not a thing that is knit or inhereing the Land or to the poſſeſſion, but to the privacy of the truſt, and confidence, and to the knowledge thereof.

Wherefore if thoſe that have the Land, execute the truſt, or convey by direction of thoſe for whom they are truſted, they are diſcharged, and the Land is free.

5. That the Company not Knowing of the Covenant which was intended for alteration of that cours of the old *Earls* equitie, proceeded to make a grant and Admittance upon his ſons fail, and appointment, and having given *Mr. Trott* poſſeſſion thereupon, his Intereſt is no ways lyable to the Equitie.

Here the Company truſted for the *Earl* and his Heirs, not knowing of the ſecret uſes, nor being bound by them without knowledge, executing their truſt by direction of his Heir, convey to *Mr. Trott* who is a purchaſer from the Heir for good conſideration, *bonâ fide*, and not knowing of the private uſes.

The Equitie of the concealed uſes binds not, neither the *Company*, or *Mr. Trott*, nor the Land, neither in Law or Conſcience.

If the *Old Earl* had an Eſtate in Law, his private ſettlement maketh no alteration againſt a purchaſer, from whom it was concealed.

The Deed doth not purport any transmutation of poſſeſſion, but a Covenant to ſtand ſeized to uſes, ſo the poſſeſſion and eſtate remained in him, unleſs the Uſes by ſome Law turned into poſſeſſion.

How the Covenant to ſtand ſeized, works.

Quid operatur by this covenant of uſes?

Judgment of uſes.

The Uſes muſt be judged either by ſome particular law there, or by the Statute Law here, or by the Common Law: we hear of no particular Law to turn uſes into poſſeſſion; it were repugnant to other Laws and to practice.

Not by particular Law.

The ſtatute of Uſes cannot be a rule to judge uſes by there.

Not by the ſtatute Law.

1. The ſtatute was made long before the discovery of the *Iſlands*, much more before the plantation, or peopling: and the ſtatute in its creation could not be intended beyond *England*:

Much leſs by this *Terra incognita*.

Other ſtatutes reach not thither.

The

The Court having declared, that the ſtatute *De donis* for Entails doth not.

2. The ſtatute was never aſſumed into the Laws there, or made part of the Laws there.

3. It were unreaſonable if all the ſtatutes of *England* ſhould be made Law there to extend the ſtatutes of uſes to this caſe:

Becauſe that ſtatute never was conſtrued in *England* to reach to Copie-holds, which are paralell to Lands there: the ſtatute extends not to Copie-holds.

1. Becauſe it would alter the Cuſtoms, and bring men in upon ſurrenders out of the Court without preſentment, without admittance, without coming to the Court; if the uſe ſhould preſently turn into poſſeſſion, it would deſtroy the Cuſtome, and there would be few or no Courts.

This reaſon holds in this caſe, if men ſhould come in by eſtate of uſes, eſpecially ſuch private uſes, there would be no uſe of the Companys ſeal, or Allowance, or coming to the Court.

To exalt this ſtatute is to ſet by the whole courſe of conveyance, and other Laws and practice, the Cuſtom as it were of the Com pany.

2. Becauſe it would hinder the Lord of his fine, which he was to ſet before his Tenant ſhould have the Eſtate.

This reaſon holds here; the Company are as Lords, and the Owners or tenants being in a Corporation are to pay divers incident charges, for ſecuring whereof, one Law and means is *that one man ſhall not come into anothers ſhare, but he muſt have the Companys Seal, and Grant, and cannot have that till he clear the Venders Accompts with the Company.*

If he ſhould be in by this ſtatute, he would be in without any regard to the Company, or clearing his Predeceſſours accompt: and this is the caſe of like inconveniency as the Copie-hold. *Ergo.*

An Uſe judged by the Common Law will not be found to inhere in the Land, or to effect the Eſtate or Land, but the perſon that is ſeized of the Land to uſes, and onely ſuch perſons ſeized of the Land, that knew of the uſes. But by the Common Law.

No purchaſer of Land, *bonâ fide*, from him that hath the Eſtate in

Law, as *Mr. Trott* is, of the *Earl*, shall be hurt, or his eſtate charged with the uſe, if he knew not of the Uſe when he purchaſed.

And this is *Mr. Trotts* caſe.

February 1667.

JOHN MOSYER.

The aboveſaid was pleaded by *Mr. John Mosyer*, in Court *February* 27.th 1667.

RIght Hon.ble I pray take notice that *Mr. Perient Trott* a Brother of this Company, whom we think ourſelvs concerned to let the Company know, that, as he doth not appear at this Court, ſo we think it not reaſonable the Company ſhould proceed againſt him.

1. Becauſe of your order of a Quarter-Court made the 12th *of February* 1667. concerning thoſe Lands wherein you have bound yourſelvs, and the ſaid *Mr. Trott* from ever appearing at any Court afterward held by this Company.

2. Becauſe the Titles of all Lands lying in *Somer-Iſlands* can not be tryed in *England*, but in the *Somer-Iſlands* where the Lands ly, by the fundamental Laws of the Land, and the Laws of this Company.

3. Becauſe the Claim is founded originally upon a Deed of ſettlement whereof there is no copie in Court, and whereof the Agents of the Claimaints refuſe to give a copie (as your *Secretary* can witneſs) As to which upon a former hearing, though it were but by way of putting a caſe, there aroſe divers points, and matters in Law, which can not be well ſtated without a ſight of the Deed, or Copie thereof.

4. Becauſe the Claim being ſecondarily founded upon an Order made *the* 27.th *of February* 1667. upon a Claim by *Charles Earl of Warwick*, wherein he was to be excluded all pretence unto the ſaid Lands, unleſs he paid ſo much money by a day, which he neglected, and it is now near 7. years ſince, and no Equitie that *Mr. Trott* ſhould be bound by that order, who, beſide the length of time, hath

1. Run the hazard of looſing all the Lands, by two ſeverall warrs, that have been between *his Ma*tie and the *States of Holland.*
2. The ſmallneſs of the rents for ſeverall years the Lands made, being all let out upon Leaſes, and lately expired, which did not make half the Intereſt of the money for moſt part of the time.

3. The

3. The great charges he hath been at in ſuits of Law to hold the Lands, and to recover them from thoſe that have endeavoured to take them away from him, both in *England* and in *Somer-Iſlands*. And divers other things that might be alledged.

Becauſe there is a later order of Court that ſettled *Mr. Trott* in the Lands made the 4th *of March* 1673. which excludeth all pretences to the *Earls* Claim in this Court. 4.

That if the *Earl Charles* had any Equitie, it was as tenant in tail, and his eſtate-tail is expired by his Death, without iſſue; and the Claim doth not expreſs what uſes or remainders were to ſucceed. 5.

And ſeeing he died without Iſſue, then note following: 6.

1. That if there be Remainders to the *Earl of Holland*, or to any of the Kindred, then thoſe remainders are to be preferred before, and not the Heirs at Law.
2. If there be no remainder but Reverſion in fee, to the right Heir of the *Old Earl*; then that Reverſion in fee being in *Robert the Vendor*, he had Power to diſpoſe of the ſaid Lands to *Mr. Trott*.

Though, admitting a good Eſtate by the ſettlement to come to *Earl Charles*, the *Earl Robert* could not bind the remainder in tail to *Earl Charles*, yet he having the reverſion in fee in himſelf, and to his Heirs, in caſe *Charles* died without Iſſue, he could bind and conclude the Claimants his own Daughters and heirs, though he could not bind nor conclude *Earl Charles* and his Iſſue. 7.

Wherefore it is neceſſary to ſee the Deed of Setlement, and to know the capacity of the Claimants, whether they have any ſpeciall remainder or limitation to claim by; for if they have no ſuch ſpeciall limitation, but as Heirs generall, or right Heirs to their Father; they are concluded and bound by his Deed, and have no colour of Claim by entail of *Earl Charles*, the former Claimant, who is dead without Iſſue, and all his right (if he had any) is dead with him. 8.

London *November* 1674.

Mr. P*Erient Trott* having purchaſed Land in the *Bermudo's* from *Robert the ſecond Earl of Warwick*, and ſuch his purchaſe being affirmed by the ſeal of the Company, poſſeſſion accordingly had, and the profits quietly enjoyed for the ſpace of nine years, before any pretence made thereunto by any other, and now enjoying the ſame:

I am of an Opinion, the Generall Court commonly called the *Quarter-Court* holden for the ſaid Iſlands, in *London*, in *Term time* can not try the cauſe: I am of this opinion upon theſe conſiderations. *viz.*

1. The conſideration of the inſtitution and Powers of this Court, which in the printed Book of Laws in Folio 3. are limited and reſtrained to the 4. purpoſes following. 1. *To chuſe Officers.* 2. *To make Laws.* 3. *To diſtribute the Lands.* 4. *To ſettle trade:* none of which give them any power to adjudge Cauſes, or to meddle with the Lands of private men, after they are diſtributed.

2. The power given them cocerning Laws is legislative not exemptive; power to make the Laws, not power to judge of them; the difference between which is known and obſerved in all Countreys: This Court may to this purpoſe be compared to the *Common Councell in London*, which hath power to make Laws and Acts to bind the Citizens; but when they have made them they muſt leave them to be judged by other Courts, in the Ordinary Courts of Juſtice; for they have not a judiciall power to try cauſes, but onely to make Laws, where they ſhall be tryed.

3. As at their inſtitution at firſt, they had no judicial power given them, ſo I do not find, that ſince, they have had any ſuch power given them.

4. If the Quarter-Court ſhould make a by-law to make themſelvs judges, I conceive that ſuch By-laws would be voyd, from the great inconvenience that would ariſe to the Subject by the want of another power within the Government of the Charter and Corporation to appeal to; for who in the ſtate of this Corporation or Government is Superiour to the General Court, to correct their errours, or redreſs their falſe judgments? if they ſhould have a Judiciall power, the Subject would be concluded by one onely Court, without any appeal, contrary to the courſe of the Laws of *England*; which to prevent, the want of appeals allows no action to be begun in *Parliament* originally, but by way of an Appeal or Writt of Errour: The late caſe of *Mr. Skinner* in the *Houſe of Lords* upon which *Sr. Samuel Barnardiſton, &c.* were in trouble, was upon this ground in Law, that the Houſe of *Lords*, the ſupream Court of Juſtice, could not take a cauſe originally into their cognizance, untill it had been firſt tryed elſewhere, and came thither by Writt of Errour, or Appeal; and the main reaſon of it was: If the cauſe begun there and the judgement were erroneous, the Subject had no reſort for an Appeal: and by the ſcope of the 174. 175. and 176. *Articles* in the Laws of this Corpo-

Corporation, there is a Court of Juſtice erected, and order taken for tryalls and appeals in caſes both of Law and Equitie within the *Iſlands*, the 174. *Article* concluding with theſe Words, *That the ſame Law ſhall be for all other appeals whatſoever.*

Upon the whole matter I am of an Opinion that the Quarter-Court cannot try cauſes between party and party in *England* touching their poſſeſſions in the Iſlands: but *Mr. Trott* being in poſſeſſion ought to remain in poſſeſſion till he be evicted by tryall in the Court of Juſtice in the *Iſlands*..

London 24.th *November* 1674.

JOHN MOSTER.

Mr. Trott,

I Pray remember to acquaint the Counceil

1. With the paper I gave upon the hearing in 1667. which ſhews your title and the pretence of *Earl Charles*.

2. With the paper of the jurisdiction of the Quarter-Court.

3. With the inducement to your ſelf and to the Court to comprimiſe the matter in 1667. was upon ſuggeſtion that the *Earl Charles* had Remainder in Tail, with remainders over to *Hatton Rich*, and poſſibly unto others if you now had a Copie, the danger of which Eſtate-tail were the very onely cauſes why you would have then accepted 600 ℔ ſterling.

But if thoſe Remainders in Tail had not been in *eſſe* but extinct, then the conveyance from the late *Robert Earl of Warwick*, who had the ultimate remainder or reverſion in fee, would have been without any queſtion, and there had been no colour or pretence of right againſt you; but an overture of agreement being then made by *Earl Charles* as Tenant in Tail, who lived divers years afterwards, but neglected and never purſued it: and he and *Hatton Rich* being now dead without iſſue, it is ſuppoſed that there is now not any Entail or remainder in *eſſe* which can pretend a title at Law againſt *Mr. Trott*; but that all the Eſtates and remainders entails being ſpent, *Mr. Trott* is free of all ſuch pretences, having in him the fee ſimple which was in *Earl Robert*.

So that the Heirs General of the late *Robert Earl of Warwick*, who ſold

to

to *Mr. Trott*, 1. are clearly bound to his ſale, and 2.ly If they were not bound at Law, they are bound in equitie; and *Mr. Trott* having paid his money, and having had many years poſſeſſion, they as Heirs at Law would be bound by it in equitie if it were in *England*. 3.ly The Heirs at Law, not being heirs to the entail, nor privies to the eſtate, upon which *Charles* made his pretence, are not privies, nor entituled, even in equitie, to the compoſition grounded thereupon.

But claiming as *Heirs Generall*, who were bound before, and not repreſenting *Charles* in any capacity either as Heirs ſpecial to the entail, or as Heirs general to *Robert*; for Charles never was his heirs generall, but his Daughters.

I am of an Opinion, that they are not, even in Equitie, or by any privity or repreſentation of *Charles*, entituled to any benefit of the Orders or Agreements made *February* 27.th 1667.

London Aprill 9.th 1673. *By* LEARNED COUNCELL.

All thoſe opinions being put into the Court by Members of the Company, yet *W.m Webb Esq.r* the Deputy his fingers itched to be putting of it to the queſtion, to vote away the ſaid *Perient Trotts* Lands, right or wrong, though he had a large fee to do Juſtice; but withall, Some of the Members preſent told the Deputy, that by the 117. *Law* of the Companys printed, he could not put the Lands of *Perient Trott* to the queſtion, becauſe the 117. *Law* doth ſay, *that whoever hath the ſeal of the Company, it ſhall be a ſufficient evidence for the ſaid Lands:* and *Mr. Trott* hath the ſeal of the Company for the ſaid Lands, and alſo an order of Court made the 4.th of *March* 1673. confirming all the ſaid 20 ſhares of Land unto him for ever; as appears by that order made the 4.th of *March* 1673. and by the 117 *Law, verbatim*,

All grants from the Company of mens private Lands in the Somer-Iſlands ſhall paſs under the common ſeal, which ſhall be ſufficient evidence for the ſaid Lands, &c.

And further it was told the Deputy *W.m Webb Esq.r* that he could not put the Lands of *Perient Trott* to the queſtion, being contrary to the 28 *Law* printed, in theſe words following *verbatim*,

The Governour, he is to propound and put all things to the queſtion which the

the Court requires, the ſame not being contrary to his Ma.ties Letters Patents or Inſtructions, nor the ſtanding Laws and orders of the Company, under Pain of being immediatly put from his Office, if he refuſe; in which caſe the Deputy ſhall do it under the like Pain; and if he refuſe, then any of the Aſſiſtants there preſent.

Now how durſt the *Deputy* put to the Queſtion the giving away the Lands of *Perient Trott* that had all the 20 ſhares of Land confirmed to him by the Companys legal ſeal, beſide the aforeſaid 117.th *Law*, and the order of Court made the 4.th of *March* aforeſaid 1673. as at large is expreſſed under the hand of *W.m Minors Secretary*.

Yet, notwithſtanding all the aforeſaid Laws, and orders of the Company, the aforeſaid *W.m Webb Deputy* did put it to the queſtion, and all the Members (like himſelf) gave away my Lands to the Claimers by lifting up of hands onely, without being tryed by a *Judge & Jury*, contrary to *Magna Charta*, and the fundamental Laws of the Land, being the Subjects birthright &c. as more at large appeareth by the order of Court under the Seal of the Company ſent to the *Somer-Iſlands*, *verbatim* following.

The Governour and Company of the Citie of *London* for the plantation of the *Somer-Iſlands* To the *Deputy*, *Governour* and *Council*, *Sheriff*, and other Officers in the ſaid Iſlands, ſend Greeting. ,, Where-
,, as *Daniel Finch*, *Henry St. John*, and *Thomas Barrington Esq.r*
,, in right of their Wives did put in their Claim at a Court held for the
,, *Somer-Iſlands* Company the 17.th day of December 1674. to a ſhare
,, of Land in the *Somer-Iſlands* lately in the Tenure or occupation of
,, *John Bentley*, which ſaid ſhare was unjuſtly detained from them by
,, *Perient Trott* a Member of this Company, the Court hath ſince
,, thought fit to adjudge it unto the Claimants, and accordingly did ad-
,, mit one of the ſaid Claimants as a Member of this Company by Vertue
,, of the ſaid ſhare; and whereas the ſaid *Daniel Finch*, *Henry S.r John*,
,, and *Thomas Barington Esq.r* did at a Court holden the 25.th *day of Ja-*
,, *nuary* 1674. put in their Claim to another ſhare of Land then or late
,, in the poſſeſſion of *John Yates*, which alſo was unjuſtly detained from
,, them by the ſaid *Perient Trott*, which ſaid share the Court thought
,, fit to adjudge to the Claimants, and accordingly admitted another
,, of the ſaid Claimants to ſit as a Member of the Hon.ble Company, by
,, vertue of the ſaid ſhare; and whereas alſo the ſaid Claimants did put
,, in their Claim to ſeverall other ſhares in the poſſeſſion of *Perient*

„ *Trott*, *viz.* To a share of Land then or lately in the poſſeſſion of „ *John Wainwright*; Two ſhares and an half of Land then or lately in „ the poſſeſſion of *Charles Wheatenhall*; one ſhare of Land more in „ Warwick Tribe then or lately in the poſſeſſion of the ſaid *Charles* „ *Wheatenhall*; Two shares of Land in Warwick Tribe late in the te- „ nure or Occupation of *Capt. Chriſtopher Leigh*, Two shares and an „ half in Warwick Tribe aforeſaid then or late in the tenure or occupa- „ tion of *John Deuitt*, one share of Land more in Warwick Tribe then or „ lately in tenure or occupation of *John Deuitt*; one share of Land „ in Smith Tribe near the Crowl then or late in the tenure or occu- „ pation of *John Bayly*; Four shares of Land in Hamilton Tribe then or „ late in the tenure or occupation of *Thomas Durham*; Two shares in „ Southampton Tribe late in the tenure or occupation of *Thomas Wells*; „ one share called the Church share in Southampton Tribe then or late- „ ly half in the poſſeſſion of *Philip Warden*, and the other half in the „ poſſeſſion of *John Wells*; and *laſtly*, one share of Land in Davids „ Iſlands, then or lately in the poſſeſſion of *Nathaniel Stowe* which „ ſaid shares this Court hath ſince thought fit, upon full hearing of the „ cauſe and Councel on both ſides, at a Court held the 14.th *day of* „ *April* 1675. to adjudge unto the ſaid Claimants upon Payment or „ tender of Payment of 600 ℔ by the ſaid Claimants to the ſaid *Perient* „ *Trott* or his Aſſigns, which ſaid order hath been ſince complyed with „ by the ſaid Claimants.

„ Now theſe are to require you the Governour and Councel in the ſaid „ Iſlands in purſuance of this our Order and Decree, that you forthwith, „ upon receipt hereof, cauſe our Sheriff to ſeiz and take into his poſ- „ ſeſſion, for the Uſe of the ſaid Claimants, all the aforeſaid mentioned „ shares of Land and to your utmoſt to be aiding and aſſiſting to our ſaid „ Sheriff in ſo doing. And Whereas the Court hath thought fit ex- „ preſly to decree and order that neither the ſaid *Mr. Perient Trott* „ nor his Agents, nor his Aſſigns ſhould commit any waſt in felling or „ deſtroying any Cedar upon the ſaid shares, or any other endamage „ them; This Court do particularly recommend it to you our Gover- „ nour and Councill, That this Order of Court be in this particular al- „ ſo exactly obſerved and obeyed by the Agents and Aſſigns of the ſaid „ *Mr. Trott*; and if any of the ſaid Cedar or Timber shall be ſo felled by „ any of the ſaid Agents or Aſſigns of the ſaid *Perient Trott* ſince the „ 17.th *day of December* laſt, being the Time when the ſaid Claimants

put

,, put their Claims into Court here, that you ſeiz the ſame and keep ,, it in your cuſtody for the uſe of the ſaid Claimants, untill you have ,, further order or directions herein from the ſaid Claimants and here- ,, of you are not to fail. Given under our Common and Legal Seal at ,, a Generall Court held for the ſaid Company *the* 12.th *day of Auguſt* ,, *Anno Dom.* 1675. and in *the* 27th *year* of the Reign of our Soveraign ,, Lord King *Charles the ſecond* of *England, &c.*

Vera Copia of the Original examined by me
Cornelius White *Secretary of the Somer-Iſlands.*

Whereas in the aforeſaid Order of the Company, that upon a full hearing of the Cauſe and Councell on both ſides at a Court held *the* 14.th *day of April* 1675. to adjudge unto the Claimants the Land, &c. by which aſſertion of theirs they would inſinuate to all that ſhall ſee the Writing, as if *Perient Trott* pleaded to the Court and acknowledged their Jurisdiction; when it is well known that I had two Councellers there that on purpoſe came to the Court to proteſt againſt the Jurisdiction of the Court and that they had nothing to do to try my Lands there, but in the *Somer-Iſlands* where the Lands do ly, as by their own order made *the* 4.th *of March* 1673, at large appeareth, ſo I pleaded not in Court; therefore let all the World judge what theſe men are that put to their Legal Seal to deceive the Reader, &c.

Yours P. T.

Gentlemen, I pray take notice that when their Arbitrary Order came to the hands of the Council in the *Somer-Iſlands*, the Council there for the Generality being endued with more Law and Conſcience then the aforeſaid *Wm. Webb Deputy* and the Voters like him, they refuſed to execute the aforeſaid Order, as you ſee following the Order made at the Council-Table *verbatim*.

AT a Council-Table held at *St. George* in the Seſſions-houſe *the* 13th *day of November* 1675.

Sr. John Heydon Knt. and *Governour.*

Mr. *Antony Joyner* Sheriff.
Capt. Richard Woolrich.
Mr. *Henry Tucker.*
Capt. John Hubbard.

Mr. *Hen-*

Mr. *Henry Moor.*
Mr. *John Wainwright.*
Mr. *Wm. Pennyſton.*
Mr. *Thomas Wood.*
Mr. *Jonathan Turner.*
Mr. *Henry Durham.*
Mr. *Thomas Leycroft.*

And *Cornelius White Secretary* then and there preſent.

Quæſtion: Whether the Order ſent by the Hon.ble Company to the Governour and Councel to give poſſeſſion to *Daniel Finch*; *Henry St. John*, and *Thomas Barington Eſq.r* be a lawfull order that we are bound to put in execution?

Cornelius White Secretaryis Opinion is, that the ſheriff may ſeiz the Land in the behalf of the Claimants to a tryal at the Common-Law, and not otherwiſe; and that for this reaſon, in regard the fundamental Law of *England* ſaith, *No man ſhall be diſſeized of his Freehold but by a tryall of his peers*: And the Hon.ble Company in the General Letter ſaith, that I muſt be obſervant of all Laws and orders before ſent as well as theſe now ſent: and upon record, the Hon.ble Companies order of *the 21. day of October* 1664 orders that all reſtraints for tryals of Titles of Lands be taken off and diſcharged, and that a liberty be granted to commence ſuits for tryalls in the Court of the *Somer-Iſlands*, as alſo an order *the 4.th of March* 1673. that *Mr. Perient Trott* may and ſhall hold and enjoy the ſaid Lands, till any Pretender or Claimer ſhall ſhew and prove a better and more legal Title by due Proceſs of Law in the ſaid Iſlands; and neither of the ſaid Orders being repealed, therefore giveth his opinion as is before expreſſed.

Mr. Wm. Pennyſtons opinion is not to give any order to ſeiz the ſaid Lands, neither doth he underſtand that by his Office he is to give order to the Sheriff to ſerve executions upon any mans Lands or Eſtates, but in his Office he will aſſiſt the Sheriff in keeping the Kings peace, when the Sheriff cometh within his Juriſdiction.

Thus *Capt. John Hubbard* and *Mr. Wm. Pennyſton*; and *Mr. Henry Moor* the ſame; for he thinks that *Mr. Trott* hath a right to the Land till tryall at Law, according to the Companys order.

Vera Copia of the Record Cornelius White Secretary.

Mr. Jonathan Turner, *Mr. Thomas Wood*, *Mr. John Wainwright* as *Mr. Penyſton.*

Capt. Richard Woolrich the ſame with the *Secretary.*

Mr. Tho-

Mr. Thomas Leycroſt, not ſeiz it, without a tryal at Law here. *Mr. Henry Durhams*, opinion is, that it doth not belong to his Office to give an order to the Sheriff, but he will aſſiſt the Sheriff in what belongs to his Office.

Mr. Henry Tuckers opinion is, in regard there hath been a tryall and Council in the Court of *England*, and the Claimants have tendered ſix hundred pounds to *Mr. Trott*, the ſaid order ought in Conſcience to be put in execution without further delay.

The Sheriff ſaith, that he ſtands ready to execute the Companies Order, if the Governour and Council give him an Order to put it in execution; but he will not give his vote whether the ſaid order ſhall be put in execution or not, that he muſt execute: neither hath voted the like formerly in any ſuch caſe.

Sr. John Heydon Knt. and *Governour* ſaid, that He was much troubled that there ſhould be ſuch difference among us about the ſaid Order; for it's his opinion that in Equity, Law and Conſcience, the Heirs of the *Lord of Warwick* ſhould be put into poſſeſſion of their Law full right, and that the Order of the *Hon.ble Company* ought to be put into execution without a tryall at Law: A caſe in Equitie.

Ordered that the Sheriff do take care, that there be no waſt made upon the Heirs Land, and likewiſe to enquire if there hath been any waſt made upon any of the ſaid Land, or any Timber cut down ſince the Claimants claimed the ſame; and in caſe he ſhall find any ſuch Timber felled, and carryed off the ſaid Land, that the ſaid Sheriff ſhall ſeiz the ſame, while further Order from the Company.

Vera Copia of the Record being taken out of the ſame.

Cornelius White Secretary of the Somer-Iſlands.

I pray take notice, that notwithſtanding generally the Council refuſed to put in execution the Companies arbitrary order, yet I am informed that the Governour, and no Governour by the Patent, and alſo by the Companies ſtanding Laws, his time being expired, hath clandeſtinly complyed with one *Wm. Milborn* (as I am informed) an Agent of the late Claimers, who have courted ſome of my Tenants by threats and promiſes to turn Tenants to the Claimers or to the ſaid *Wm. Milborn*; the certainty of which I have not yet atteſted under the Secretaries hand, and ſo cannot as yet give you a true Narrative.

Further, I pray take notice, that this *William Milborn* being a great Profeſſor and withall a Tub-preacher to bout, and a Perſon being endued with a brazen face fit to do good or miſchief as the good or bad Spirit prompts him; I preſented a letter to him at his late going over to the *Somer-Iſlands*. The words of the letter are as followeth,

Mr. Wm. Milborn.

Sr. I had thoughts I ſhould have ſeen you and *Mr. Righton* before you went away, to deliver unto you a letter for *Sam. Trott*, and you to have ſigned to a Writing neceſſary for you to ſign unto: But I have ſent both by my ſon *Perient Trott* a faithfull meſſenger; I doubt not but when God ſhall ſend you ſafe to the *Somer-Iſlands*, but you will be mindfull to do all things as you would be done unto; and you to give good Councel to all in Authority, that they may be mindfull of *Magna Charta*, and the Companies own Order made *the* 4th *of March* 1673. wherein they poſitivly confirm all the Lands to me for ever, untill any Pretender or Claimer what ſoever do by due Proceſs of Law recover the ſame from me by a Jury of 12 men in the ſaid Iſlands: That order is ſufficient againſt the Company themſelvs; but had they never made that Order, it had been the ſame in point of Law, as hath been given in under Learned Councels hand, that is, that all Lands lying in the *Somer-Iſlands* can not be tryed in the *Bermudoes Courts* in England but in the *Somer-Iſlands* where the Lands do ly; and therefore if my Lands be touched in the *Somer-Iſlands*, (God willing) I will reſort to the *Parliament* I ſhall not be blown away by lifting up of hands in the *Bermudoes* Courts.

And whereas you think *John Bentley* had ſo much wrong done to him I pray before you act ſo vigorously, turn to the Order of Court made *the* 4th *of March* 1673 and there you will find that *John Bentley* turned Tenant to me for the ſpace of 9 years preſently after the purchaſe; and that I bought all *my Lords* Lands, as by my Lords letter to *Capt. Wm. Sayl* the preſent Governour, being twenty ſhares and there are no more then 20 ſhares with *John Bentlies* and *John Tates* ſhares, and I paid for 20 ſhares, and I hope you would think it reaſonable had you bought 20 ſhares that you ſhould have 20 ſhares: if you will turn to that order you may be fully enformed with my Lords letter given to me at the time of the ſealing the Deed *the* 22d *February* 1658 and put your

ſelf

ſelf in my caſe, and then paſs your judgment: and had your Tenant acted to you as *John Bentley* did to me, and then you will be of another mind: for intereſt will not ly.

But to ſhut up all: If the Company did more then they ſhould do in *John Bentleys* caſe, what do you think of their acting now in the caſe of *Eſq. Finch?* what is ſauce for a goos, is ſauce for a gander: and now they condemn themſelvs with a witneſs without a Judge or Jury. Thus you ſee how men beſide the cuſhion will act and condemn that in another which they allow in themſelvs, and give the Lands to them that never had the poſſeſſion, nor never ſhall, if the Government in *Bermudoes* walk by rule and not by will: and, to conclude all, If you in the *Somer-Iſlands* ſuffer my Lands to be given away in this manner, I do deſire to know by what title you all in the *Somer-Iſlands* hold all the Lands? I need not ſay more, but God direct you, to remember the golden rule given by Chriſt himſelf. *As you would have others to do to you, ſo do you to them.* So with my reſpects to all the Councill in the *Somer-Iſlands* I remain

Yours in all due acknowledgements

London September
the 7.th 1675. PERIENT TROTT.

A Copie of the ſaid letter was given alſo to *Mr. W.m. Righton* at the ſame time.

NOw hath *W.m Milborn* acted according to the Counceſl given to him as aforeſaid? But hath he not rather made good the name that is given to him lately in the *Somer-Iſlands* by ſome Perſon (who had a diſcerning ſpirit) and hath newly Chriſtened him (according to his deſerts) *W.m Helborn:* For which acting of his aforeſaid, he hath given cauſe juſtly to be put in print, that he may be famous to poſteritie: However it is wished by me, that he will leave off preaching, and learn to do juſtice (which is but the firſt ſtep to true Religion) that he may be pardoned which is the hearty deſire of

His welwisher for his Souls good while I am

Lodon March
the 7.th 1675. PERIENT TROTT.

Mr. *An-*

Mr. *Anthony* Joyner Sheriff.

Mr. *Cornelius White* Secretary.

Mr. *W.m Pennyſton.*
Mr. *John Hubbard.*
Mr. *Henry Moor.*
Mr. *Jonathan Turner.*
Mr. *Thomas VVood.*
Mr. *John VVainwright.*
Mr. *Richard VVoolrich.*
Mr. *Thomas Leycroft.*
Mr. *Henry Durham.*

GENTLEMEN,

FOr the Juſtice you have done to me (as well as to your ſelvs) concerning my Lands, I can never make you a requital, I onely return to you all that niggardly reward (a Million of thanks) but though I can not make you ſatiſfaction, yet I ſhall deſire of God (who is a lover of juſtice as well as a hater of injuſtice) to reward you and yours both in this World and that which is to come; and if I can be any ways ſerviceable to you or yours, I pray freely command him that (God willing) ſhall be ready to go and run for you and yours both by day and night, to expreſs my thankfulneſs to you all: with my reſpects preſented to you, I ſubſcribe my ſelf

Gentlemen

London the 3d of March 1675.

Yours in all due acknowledgements

PERIENT TROTT.

AT a Generall Court held for the *Somer-Iſlands-Company* at *Sadlers-Hall* in Cheapſide, London, on Weddensday the 29.th day of April 1674.

Preſent The R.t Hon.ble the *Earl of Shaftsbury* Governour.

Sr. *Francis Gerard* Baront.
Sr. *Gilbert Gerard* Knt.
Sr. *George Waterman* Kn.
Mr. *Richard Chandler.*
VV.m Jeſſop Eſq.r
Mr. *George Day.*
Mr. *Samuel Smith.*
Mr. *Nath. Smith.*

Mr. *Ro-*

Mr. *Robert Stevens*.
Mr. *Perient Trott*.
Mr. *John Browning*.
Mr. *James Iauncey*.
Mr. *Hugh Noden*.
Capt. *John Ienkins*.
Mr. *Meverell* and
Mr. *Iohn Wiſeman*.

The laſt Court of the 4.th of *March* was read, and approved to be rightly drawn up:

Upon much debate in Court, to the end to give Common Libertie to all Members of the Company to reconcile all differences, and to advance trade, It is thought good and ordered, that if any Member or Members of this Company from this time forward will ſet out any Ship or Ships to the *Somer-Iſlands* to fetch to the Port of *London* his or their Tobacco, they ſhall not be debarred therefrom, but be freely admitted to do it; provided always, that he or they ſhall firſt come unto the Company, and give unto them good and ſufficient ſecurity to pay their duties after the rate of one penny per pound, upon the ſafe landing of their Tobacco at the Port of *London*, allowing out of the ſaid Tobacco the uſuall taxes: and the Maſter or Maſters of the ſaid Ship or Ships wherein their Tobacco is ſo Shipped ſhall, wind and weather permitting, from time to time immediately ſail away directly to the Port of *London*, and not break bulk untill he cometh at the ſaid Port of *London*, and whatſoever any Tobacco any Member or Members of this Company or Planter or Planters in the ſaid *Somer-Iſlands* ſhall Ship or cauſe to be Shipped aboard any ſuch Ship or Ships, and their Tobacco ſo shipped ſhall be brought to the Port of *London*, he or they ſhall pay one penny per pound for the ſame freight, and that for the ſpace of 20 days time next after the arrivall of any ſuch Ship or Ships in the ſaid Iſlands from time to time. All mens Tobacco ſhall be taken on board from every man as it ſhall be brought gradually to the Ships ſide and tendered to be shipped without reſpect of perſons; and further more it is ordered that if any ſuch Ship or Ships, ſo ſet out by any Member or Members as aforeſaid, ſhould not at his or their arrivall there in the ſaid Iſlands get his full lading there, he or they are, and ſhall be admitted to ſail away with ſuch Ship or Ships to any place belonging to his *Ma.*^{tie} *of England*: provided always that no Tobacco Shipped at the ſaid *Somer-Iſlands* in any Ship or Ships ſhall be taken out again or landed, and put on board any other Ship whatſoever, but it ſhall remain & continue brought aboard the Ship or Ships wherein it was firſt put aboard therein, and brought to the ſaid Port of *London*,

don, and there delivered to every reſpective owner thereof: who ſhall pay the Duties of the Company for the ſame.

And that the Company ſhould not be any ways wronged in their Duties, it is further ordered, that every Maſter or Maſters of every ſuch Ship or Ships ſhall cauſe his Boatſwain to repair, as ſoon as ſuch Ship or Ships ſhall be arrived at the Port of *London*, to the Company, and ſhall alſo from time to time and at all times hereafter give them an exact account upon oath before the breaking bulk of whatſoever Tobacco he or they took into the Ship or Ships at the ſaid *Somer-Iſlands* by diſtinct marks and numbers, from whom Shipped and to whom conſigned, as uſually from time to time other Maſters of the Companys Magazin-Ships ſet out by them formerly have done for the preventing of all fraud whatſoever of money due to the ſaid Company.

Vera Copia examined per me
W.m Minors
Secretary to the R.t Hon.ble the
Somer-Iſlands-Company.

AT a Quarter-Court for the *Somer-Iſlands-Company* held at *Armourers Hall* in *Coleman-ſtreet London*, on Weddensday the 10.th *February* 1669.

The Company taking into conſideration, that the onely ground of the preſent differences that are among them hath been the entertaining of a Ship wherein One or More Particular Members have had intereſt, and that the ſame hath been found by dayly experience to be very prejudiciall to the Company, and that no Articles have been obſerved, no Invoyces given as they ought to have been, the accompts ſuch onely as the Company could have no cheok upon, beſide the generall Damage to the Plantation by transporting of Cedar, and otherwiſe, and that the entertaining of ſtrange Ships would much conduce to the benifit of the Company; and that the Company would have due accompts, none be encouraged to wrong the Company and Plantation; the Members would agree to puniſh offenders, and the whole would tend to union in the Company: *Be it enacted and ordained that no Ship ſhall be entertained by this Company as their Magazin Ships in any voyage to the* Somer-Iſlands

Iſlands *for the future wherein any Member or Members of this Company have or ſhall have any particular part, ſhare, or Intereſt.*

THOMAS MARTEN
Secretary to the ſaid Company.

Gentlemen,

I Pray take notice that the aforeſaid Law was purpoſely made becauſe *Perient Trott* had a gallant Ship named the *Somer-Iſlands-Merchant*, above 300 tons and 20 pieces of ordinance that was in the Companies ſervice ſeveral years, and after outed by that Law, but ſhe was ſo good a Ship that afterward ſhe was entertained in his Ma.ty ſervice, and the Company before or ſince never had ſuch a Ship to ſerve them, but to the end the Ship ſhould be laid aſide, the diſcontented Members of the Company made the aforeſaid Law againſt all Law and preſident for the Members to make Laws for ſtrangers to eat the bread out of the Members mouths, for no man ſends Ships to ſea but for an Advantage; and why not Members to have the Advantage to bring home their own goods in their own Ships, but by ſtrangers? and whereas in the præamble of their Law they ſay, Members Ships bring Cedar away, &c. and never was ſo much Cedar brought from the Iſland as the ſtrangers Ships have brought ſince that Law was made, in ſo much that the Government hath made their complaint from the Iſland about it to the Company: and further in the Præamble of their Law, they ſay, hat they could ſooner punish ſtranger Ships then Members Ships &c. and ſurely wiſe men know that Members Ships are ſooner punished then ſtrangers Ships, for if any difference ariſe by the Members Ships ſet out, they muſt withdraw out of their Court, and ſo their Votes are loſt; but if any difference ariſe by Strangers Ships, the Members that prefer them ſit in Court, to carry on any deſign by their votes; ſo weak is their preamble (like the Drawer) yet ſtrangers muſt go to fetch the Members goods, and yet the Company hath ſent nothing in a joint ſtock to the Iſland near this 50 years: there need no more to be ſaid of this Fig-tree-covering in the præamble of their Law, it is eaſily to be ſeen without a pair of ſpectacles to all knowing merchants: and to them I commend it to, to judge the reaſonableneſs or unreaſonableneſs of the ſaid Law no leſs then (as judged by Learned Councell) exerciſing an Arbitrary Power to debarr the Subject from Shipping his own goods in what Ship he pleaſeth, that is

made free to Ship goods on by Act of Parliament: There is enough ſaid to put their Law out of joynt, if it be not to break the neck of it, but much more hath been ſaid in open Court, and much more might be ſaid, and much more poſſibly will be ſaid againſt it in its due time and place.

A Law of the Company made in Anno 1628.

Every man that ſhall adventure to the Somer-Iſlands ſhall lade all his goods in the London Ships ſet out by the Company and not in any other Ship or Ships, but by the Licence of the Company, to the which end there ſhall be two Ships at the leaſt every year ſent forth from hence, in the which two Ships or any other ſo ſent forth, all the Tobacco made in the Somer-Iſlands *ſhall be laden and in no other, and ſo brought to the Port of London.*

Gentlemen,

I pray take notice that for the ſpace of this 38 years the Company never ſet forth but one Ship in a year, and for the year 1673. they ſet forth no Ship at all from July 1672. untill Auguſt 1674. by which neglect of theirs the tobacco being the commodity of the Country is worſe by lying and not fetched away, by 50 per Cent, and the Company as in a joynt ſtock hath not ſent one penny to the Iſland almoſt this 50 years: but the Iſland hath been ſupplyed altogether by particular Members onely.

But I pray take notice that *Perient Trott* a Member of this Company did ſet out a Ship on his own account the 9.th of *February* 1673. and when God was pleaſed to ſend her ſafe to the *Somer-Iſlands* in *April* 1674. the Government contrary to all order would not admit me to load any of the tobacco of 1673. as you may ſee by the order made at the Councel-Table as followeth; though the Ship ſent in time of warr, that it was worth 40 *l.* per Cent to inſure the Ship out and home.

AT a Councell-Table held at *St. Georges* in the Seſſions houſe the 30.th day of *April* 1674.

Sr. John.

Sr. John Heydon Kn'. and Governour.
Mr. *Anthony Joyner* Sheriff.

Cap.t Richard Woolrich.
Cap.t John Hubbard.
Mr. *John Wainwright.*
Mr. *W.m Penniſton.*
Mr. *Jonathan Turner.*
Mr. *Thomas Wood.*
Mr. *Henry Durham.*
} Councellors.

and *Cornelius White* Secretary.
then and there preſent.

Mr. Samuel Trott propoſed to the Governour and Councill that he might have Liberty to Ship the Tobacco of the growth of 1672. that Capt. *John Jenkins* refuſed to carry, which requeſt is according to the Companys order granted that any Ship might have the liberty to carry ſuch Tobacco as the Magazin-ſhip could not. The reſult of the Council is, that *Mr. Samuel Trott* may have liberty to carry away Tobacco of the growth of the year 1672. provided he ship no Tobacco of the growth of the year 1673. and in caſe it ſhall appear that any of the Tobacco of the growth of 1673. ſhall be shipped it ſhall be forfeited according to the rules of the Company.

Vera Copia of the record
Cornelius White Secretary.

By which order of the Company aboveſaid, *Perient Trott* is damnifyed a thouſand pounds ſterling, becauſe he was not admitted to ship the Tobacco of the growth of 1673. though the Tobacco was ready to ship (by the Companies Laws) the 10. *November* 1673 and though the laſt day of *April* came 1674. Yet not admitted to Ship the Tobacco of 1673.

And this alſo in the time of war that it was worth 40 per Cent, to inſure the Ship out and home.

Yet notwithſtanding all this, *Perient Trott* did offer to put all differences to Arbitration, as appeareth following the Offer, *verbatim*,

Right Hon.ble

WHereas *King James* of bleſſed Memory did in the 13.th year of his Reign grant to ſeverall Earls, Lords, and Gentlemen a patent for them and their Heirs to import and export to and from the *Somer-Iſlands* all ſorts of Comodities; and further his *Ma.tie* in the ſaid Patents ſaith that the welfare of the *Iſlands* depends upon the prudent care of the ſaid Company to ſupply the inhabitants in the ſaid *Iſlands* yearly with commodities; but the Company for the ſpace of this 44 years and more laſt paſt hath ſent no commodities to the ſaid *Iſlands* as in a joynt ſtock: but the inhabitants have been altogether ſupplyed by particular members of the Company; whereof *Perient Trott* hath been none of the leaſt Adventurers: and notwithſtanding, the Company made lately a Law, that yearly there ſhould be a Ship entertained by them to ſail to the *Somer-Iſlands* in Midſummer term; yet laſt year 1673. the Company entertained no Ship to go and fetch away the Tobacco of the growth of 1673. but there it laid drying and ſpoiling: but *Perient Trott* ſet out a Ship from England the 8.th *February* 1673. to the *Iſlands*; and did arrive there the 14.th of *April* 1674. and did demaund of the Governour to Ship of the Tobacco of 1673. from the *Iſlands* according to the patent, and did withall deliver to the Governour a letter ſigned and ſealed by his *Ma.tie*, who did admit me to load any commodities of the growth of the ſaid *Iſlands* on any Ship or Ships putting in there, being manned according to *Act of Parliament*: but the Governour and Councill voted it in the negative, and did make an Order the 30.th of *April* 1674 that if any of the Tobacco of the growth of 1673. was ſhipped by the ſaid *Perient Trotts* Factors, it ſhould be forfeited; by which ſaid order the ſaid *Perient Trott* is damnifyed above 1000*l* ſterling: for had my Ship been full laden with Tobacco, as ſhe would have been, had ſhe been admitted to take it in, much or moſt of the Tobacco would have yielded 4 pence and 5. pence per Pound clear of charges; and to prove that, I bad *Mr. Webbs* Son in Law for a hogshead now brought home in my Ship 6*d.* per ℔. clear of all charges, and he would not take under 9 pence for it, and moſt of the Tobacco that would have been brought home would have yielded 4*d.* per ℔ clear of charges that will not now yield above 1*d.* per ℔ when now the *Ship Fortune* ſhall come from the *Somer-Iſlands* to the Port of *London*, ſo ill a fortune it will be: this is ſo great a truth, that if it be put to *Mr. Chaundler*, *Mr. Jauncey* and *Mr. No-*

Mr. Noden, I am confident the two laſt named perſons have ſo much generoſity in them as not to deny the truth of what I affirm, and which they and my ſelf will feel, with ſeveral others at the return of the Ship.

But to the end that the Company with my ſelf might have juſtice done to us, if the Company pleaſe to ſend now to the Governour *Sr. John Heydon*, that he ſend over unto you his *Ma.ties* letter he received dated the 24.th of *October* laſt; that done, if the Company pleaſe to chuſe a Merchant and a Lawyer, I will chooſe another Merchant and a Lawyer, and none of the 4 to be members of the Company; and if they end not the Difference, if the *Earl of Shaftsbury* pleaſe to be Chancellour in the buſineſs, I will abide his determination: and if the *Earl of Shaftsbury* be pleaſed not to do it, let the Arbitrators chooſe whom they pleas; provided he be an eminent Merchant living in London, and the Company and *Perient Trott* to be bound in five thouſand pounds bonds to abide his or their determination; the aforeſaid done, I hope all things ſhall be amicably ended to the general content of the whole Company, and for the tranquilitie of the Plantation: which is the Intereſt and alſo the hearty deſire of

Your Hon.rs moſt humble Servant

London *September* the 21.th 1674. *PERIENT TROTT.*

This is a true Copie of the Letter read in Court, and examined per me *W.m Minors.*

Superſcribed

To the *Hon.ble Company* to the *Somer-Iſlands*, at *Sadlers-Hall.*

Theſe

Preſent.

Furthermore I pray take notice,

THat the *Somer-Iſlands* Company put up a Petition to his *Ma.tie* in *February* 1674. beſeeching his *Ma.tie* to ſtop ſome goods that *Perient Trott* had then come from the *Somer-Iſlands* in the Ship *Elephant*, *Robert*

Robert Kingsland Maſter, upon which his *Ma.ᵗⁱᵉ* was pleaſed to commend that petition to the preſent *Lord Treaſurer* of England, to hear all what the Company could ſay, that they might have right done them; upon which the Comittee from the Company met by order at the Treaſury-Chamber at White-Hall: and *Perient Trott* was ſummoned accordingly to appear the 15ᵗʰ of *February* 1674. and the Petition being read, *Perient Trotts* Councell being *Mr. Thursby* by name, told my *Lord Treaſurer* he did admire how thoſe Gentlemen durſt appear with ſuch a petition being contrary to ſo many *Acts* of *Parliament &c.* and the Company told the *Lord Treaſurer*, that they had recovered duties from men above 40 years ago by Law; and that the *Iſlands* would be loſt if *Mr. Trott* did not pay duties; and much ſpoke in that nature: and the *Lord Treaſurer* anſwered the Committee, That he did not like their proceedings for 2 reaſons. (1.) For Whereas you ſay, you recovered duties by Law 40 years ago, then you know the better how to recover it ſo again by Law, he hoped they did not think he ſat there to do things where the Law can do it, &c. (2.) Furthermore I find that *Mr. Trott*, he is willing to put all differences to Arbitration, having named before me his Arbitratours, *namely*, two eminent Merchants *Thomas Hublings:* but you decline it: and how doth any man think to get a debt, that declines both Law and Arbitration, &c.

And whereas you intimate, that the *Iſlands* will be loſt if Duties be not paid, let them look to that who is the occaſion of looſing the *Iſland*, but (I humbly conceive) his *Ma.ᵗⁱᵉ* had better looſe the *Iſland*, then do that injuſtice to ſtop *Mr. Trotts* goods, contrary to Law: ſo preſently afterward vaniſhed away the Committee.

Thus through Providence, the *Lord Treaſurer*, a Gentleman I never ſaw his face before that minute I came into the Treaſury-Chamber; ſo it is ſufficient to tell all England and the whole World, that heareth of it, that the *Lord Treaſurer* is not onely a Perſon of Honour but of Juſtice, not minding the ſollicitation of great men by thoſe perſons that did then appear before him.

Neither did *his Hon.ʳ* ſlight the mean poſture that the ſaid *Perient Trott* ſtood in before him, accompanyed with no man but his Councellor *Mr. Thursby*, *Cap.ᵗ. Samuel Whaly*, and *Robert Kingsland* the Maſter of the Ship: this is the true narration to the knowledge of thoſe then preſent both Adverſaries and Friends; and I ſhould have been very ungrateſull, if I ſhould not have made an acknowledgment to the World,

World, the high Juſtice done by the *Lord Treaſurer*, for which I ever ſubſcribe myſelf as bound to be

His *Lord.* moſt humble and devoted Servant while

London, the 7.th of *March.* 1675.

PERIENT TROTT.

TO conclude all, I think it moſt neceſſary to relate ſomthing in reference to the R.t Hon.ble the late *Robert Earl of Warwick*, that juſt perſon, as well as Hon.ble, who not long after his Fathers deceaſe, did proffer to ſell all his 20 ſhares of Land that did deſcend to him as Heir, becauſe no Lands lying in the *Somer-Iſlands* can be intailed, as by the *Statute de Donis* made long before the *Iſland* was *in cognitione:* now *Perient Trott* hearing *his L.ſp* would ſell all his Lands, being 20. compleat ſhares, upon which the ſaid *Perient Trott* proffered *his L.ſp* that he would give him as much money as his Father, made of all the Lands for 20 years laſt paſt, and halt as much more; but *his L.ſp* declined that motion, and would be at a certainty to have 600. ℔ or not ſell his Lands: upon which, I knowing *his L.ſp* had a Kinſman named *Colonel Rich* in the Army, a great *Oliverian*, who was of little eſteem with *his L.ſp*, though great with *Oliver*, who was a buying the ſame Lands of *his L.ſp*; upon which I made this proffer to *his L.ſp*, being troubled he ſhould ſell himſelf out of the Company; I begged of *his L.ſp* to give me leave to make one motion to him, that upon the condition *his L.ſp* would not ſell the Lands ſo long as he lived, I have ſo great a value for *your L.ſp* to remain of the Company, and ſo little a mind to have your Land, that I would preſent to your Man 20 ℔ to buy him a gelding, that *your Hon.*, would not ſell your Land aforeſaid: becauſe I foreſaw that the ſaid *Colonel Rich* would make 20 *Oliverian* Members, to the great prejudice of his *Ma.ty* then in exile: but *his L.ſp* declined my motion, and would have 600. ℔ paid to him at ſuch a day præfixed, which I conſented unto: but afterward, when I came to *his L.ſp* to have all the Writings from *W.m Jeſſop Eſq.* to make the Deed by, *his L.ſp* told me, that he was proffered more money for the Land then 600. ℔ yet ſaid *my Lord*, *Trott*, if you keep touch with me in the paying of the

600 ℔

600. & at the time præfixed, you shall have the Lands, be I bid what will be, for the said Lands; and accordingly *his* L.^{dp} shewed himself just as well as Honble: He did let me have the Lands, as *his* L.^{dp} had given his Word, like an Honble person, and when the day came the 22.th of *February* 1658. *his* L.^{dp} signed and sealed the Deed: And did at the same time, lest the Deed should not be drawn exactly, by reason all the Writings were promiscuously given to and drawn up by the Secretary, from what old Writings were given to him by the said *Wm Jessop* to *Thomas Marten Secretary*, unknown in the Law: but I knowing the justice of the *Earl* that sold the Lands, no Councell was taken in drawing the said Deed, but at the same time the 22.th of *February* 1658. to make up any defect that might be in the Deed, by namingor misnaming any of the said Lands, or leaving out any of the said Lands intended to be sold (the which was all his Lands *his* L.^{dp} had in the *Somer-Islands*) He gave two Letters subscribed with his own hand, and superscribed to *Capt Wm Sayl* then the present Governour, one of the said Letters was sent presently away to the Governour, that he should tell all *his* L.^{dp} Tenants, that He had sold all his Lands he had in the *Island* to *Perient Trott* for ever, one of the said Letters is still in being, and is registred in the Companies Books of Records. But Some members of the Company being more indued with the wisdom of the Serpent, then the innocencie of the Dove, have endeavoured to pick holes in the said Deed, which through the especiall providence of God *his* L.^{dp} Letter hath made up the defects in the said Deed: the very Words of the Letter are these following *verbatim*

Capt Sayl

These lines are to inform you, and all my Tenants, that I have sold all my Lands in the *Somer-Islands* being twenty shares to *Mr. Perient Trott* for ever, and have received full satisfaction of him for the same, being the 22.th of *February* 1658. and so conclude

Your Friend

WARWICK.

To *Wm Sayl* Governour and Capt Generall in the *Somer-Islands*.

These.

And

AND I pray take notice, that there were in the *Iſlands* but 20 ſhares that the *Earl* had, as by the Certificate under the hands of eminent men, as aforeſaid; and all the Tenants turned Tenants to *Perient Trott* by vertue of that letter, for the ſpace of nine years, preſently after the purchaſe the 22.th of *February* 1658.

But afterward in 1667. the R.t Hon.ble *Charles Earl of Warwick* laid Claim to all thoſe Lands (more by others inſtigations then *his* L.dſ inclinations) well known to divers members of the Company, which is manifeſt in that *his* L.dſ declined the benefit (if any) that he might have had by the Order of Court made the 27.th of *February* 1667. in having the Lands, if he had laid down at the time præfixed 600 pounds: but he did it not, neither did *his L.dſ* ever lay any further Claim to any of the ſaid Lands in his Life time.

But not long afterward the R.t Hon.ble *Robert Earl of Mancheſter* laid Claim to 4. ſhares by vertue of an old Deed made over unto the R.t Hon.ble *Edward Earl of Mancheſter* by the late *Robert Earl of Warwick* almoſt 50. years agon, which onely was a Deed in truſt, and that is manifeſt, in that the profits were ever paid to the Family of the *Warwicks*; and that truſt was onely, that the ſaid *Edward Earl of Mancheſter* might have a voyce in Court, an old device, if it be not now newly vamp'd; for the preventing of which the Company made ſeverall Laws againſt; but at laſt the Company in their Court at *London* gave their judgement againſt the ſaid *Earl of Mancheſter*, and the ſaid 4. ſhares of Land to *Perient Trott* the 4.th *of March* 1673. becauſe the ſaid *Perient Trott* had the Legall Seal of the ſaid Company for all the ſaid Lands: and furthermore the Atturneys of the ſaid *Perient Trott* in the year 1673. did ſue in the ſaid *Iſlands* for the ſaid 4. ſhares of Land, and did recover them there by a Verdict of a jury by due Proceſs of Law; though moſt unjuſtly and injuriouſly the Tenants turned tenants from me their true Land-Lord to the *Earl of Mancheſter*, contrary to all Law and Equitie. &c.

But lately 1674. the Hon.ble *Daniel Finch, Henry St. John* and *Thomas Barington Eſq.r* have Claimed all the ſaid ſhares in the right of their Wives (more by Others inſtigations then their own inclinations) for

I am fully perſwaded, that they are ſuch Hon.ble perſons, that when they now ſee by the aforeſaid true Narrative taken from the Books and Records of the Company (of which I judge charitably they were ignorant of before) that they now will be fully convinced, that the right of the ſaid Lands lyeth in the ſaid *Perient Trott* for *Ever*, or untill they do by due proceſs of Law enter their Action or Actions in the *Somer-Iſlands* where the Lands do ly, and recover them from the ſaid *Perient Trott* by a Jury of 12. Men according to the fundamental Laws of *England*, the Subjects birthright, and orders of the Company; not doubting but they will therein acquieſce and reſt.

But if not, God willing, either myſelf, if living, or my Heirs, Executors or Adminiſtrators will in all humility preſent a Petition to the High and Hon.ble *Court of Parliament* the next Seſſions, not doubting but there to find relief (as in their Wisdoms ſhall think fit) as Others of his *Ma.tie's* Subjects have had that have been oppreſſed in the like Nature (if any ſuch be) as he hath been, that commends the foregoing true Narrative to all unbiaſſed perſons in the World to judge of, and ſo ſubſcribe myſelf

Gentlemen

Your moſt humble devoted Servant while I am

London March 25.th
1676.

PERIENT TROTT.

I Being deſired by a Member of the *Somer-Iſlands-Company* to ſearch into the Share-Books and other Books of the Company, to atteſt from the ſaid Books, what Lands the R.t Hon.ble Old late *Robert Earl of Warwick*, did make over to his Son and Heir *Robert Lord Rich*, I find by the ſaid Books that the *Old Earl*, his Father, did make over eight ſhares to his Son *Lord Rich*, as it appeareth in Share Book *Folio* 33. in theſe words following, *Eight ſhares paſt to the Deeds to the Lord Rich.* Fol. 59. *formerly granted to him by Court-Book N. D. Folio* 385. the 16.th of *January* 1628. four of which ſhares I find recorded, that the ſaid *Lord Rich* made over to the *Lord Mandevill*,

as

as by ſhare book *Fol.* 65. granted by Court-book *Folio*: *N°. E. Folio* 217. the 3.d of *July* 1634. ſo I find by the books and records of the Company that the ſaid *Lord Rich* owned four shares of the shares aboveſaid derived from his Father, and ſo ſtandeth ſeized in the books and records of the Company to this day, being the 20.th of December 1672. and thoſe 4 shares were the *Lord Riches*, derived from his Father the day aboveſaid being the 16.th January 1628: and I find by two ſeverall records of the Company upon the hearing of the cauſe between the R.t Hon.ble *Charles Earl of Warwick, Plaintiff*, and *Mr. Perient Trott, Defendant*, the 12.th and 27.th of *February* 1667. in both thoſe orders that the *Old Earl* had ſettled 20 shares upon his Eldeſt Son *Robert* Lord *Rich*, and ſo to the 10.th Generation, the which Deed is recorded to bear Date the 31.th of *March* 1672. which was 14 years after the *Old Earl* had ſettled 8 shares upon his Son *Robert* Lord *Rich* as aboveſaid, the 16.th of January 1628.

Vera Copia examined the 20.th *December* 1672.
per me WILLIAM MINORS *Secretary*
to the ſaid Company.

Gentelmen,

NOtwithſtanding the aboveſaid Records of the Company which they were informed of, yet, right or wrong, the Company voted anew thoſe four ſhares of Land alſo, without Judge or Jury, contrary to all Law or Preſident: I pray take notice of the above ſaid Certificate under the *Secretaries* hand, that the *Old* Earl *Robert* Lord *Rich* gave to his Son *Lord Rich* 4. ſhares of Land 14 years before the *old Earl* ſettled his 20 ſhares of Land, as he pretended, upon him and his heirs to the 10.th Generation; ſo *my* Lord *Rich* that ſold the 20 ſhares of Land to *Perient Trott* (the ſaid *Lord Rich*) was really owner of 4 ſhares in his life time, when he ſold the ſaid 20 ſhares to *Perient Trott* the 22.th of *February* 1658: for his Father could not entail that Land to another Son or Sons ſo many years after he had given him the ſaid *Lord Rich* 4 ſhares before: ſo were the Entail good, (which is denied as appeareth by the *Statute de Donis*, that reacheth no further

then England) ſo there could be but 16. ſhares that could be entailed or pretended title unto by any of the Heirs of the *old Earl of Warwick*: for 4 ſhares of the 20 ſhares that the *Earl* had ſold to *Perient Trott*, the ſaid Lands were the ſaid *Earl* his own inheritance upon the paſſing of the 8. ſhares to him by the *old Earl* his Father aboveſaid, the 16.th day of *January* 1628: 14 years before the pretended Entail as aforeſaid.

R.t Hon.ble

I Pray turn to the 129.th Law; which poſitively ſaith, *That no man ſhall be Governour in the* Somer-Iſlands *upon no occaſion above 6 years together:* and *Sr. John Heydon* hath been Governour, contrary to that Law, above ſeven years together.

And whereas there is now endeavouring by ſome Members of the Company to null that Law, to the intent to entail *Sr. John Heydon* a perpetuall Governour, that he may be made more capable to do further injuſtice as he hath done in his late Government, to prevent that inconveniency and detriment to all mens rights; I *Perient Trott* do crave of the Company to turn to the 47.th Law in theſe words following:

If any principall Officer of the Company here, or Magiſtrate, or great Officer, or Councell in the Somer-Iſlands *ſhall by the Fame of his misdeſerts, or particular occaſion merit to be called into quæſtion here, of being removed from his place, or otherwiſe reformed or cenſured, &c.*

Now for the Fame of the ſaid *Sr John Heydons* misdeſerts, I *Perient Trott* have formerly put into this Court a recitall thereof; but there hath been no courſe taken in it by the Company; I deſire again to revive the ſaid Fame, and that the ſaid *Sr. John Heydon* the preſent ſuppoſed Governour, may be laid aſide untill ſuch time he ſhall acquit himſelf of the ſaid things objected againſt him; alſo I deſire you will take into conſideration, that I have further matter of Fame againſt him for the injuſtice he hath done to ſeverall men in the *Somer-Iſlands* during the time of his Government: I humbly conceive the Method the Company may more honorably proceed in and by is ſet down to their hands in the 179 Law *viz.*

By ſending over a Comiſſion to the Iſlands to examine the misdemeanours of the ſaid Governour in the time of this Government (ſome time

ſince

ſince expired) from whom no right could be obtained, by reaſon his Relations in Court ſtrive to break all wholeſom Laws made to prevent injuſtice, by continuing of him in, Governour, longer then 6 years together.

And can the Company here (without they will do an apparent injuſtice) keep in the Governour in the *Somer-Iſlands* above 6 years when there is matter of Fame againſt him according to the aforeſaid Law? and if there be not matter proved againſt him upon the examining of Witneſſes in the *Somer-Iſlands* (as it hath been done to other Governours formerly) will not the blame ly at their door who are the Accuſers, and *Sr. John Heydon* acquitted? and if ſo then may not he be capable to be choſen again Governour for 6 years more, after a Governour hath been put in but one year, according to the purport of that Law? and ſo the Company have no need to break that wholeſom Law made by our Anceſtors, who foreſaw ſuch mens actings as now act aboveboard, and therefore made that Law to prevent ſuch Actings.

Surely thus to act in chooſing another Governour, and *Sr. John Heydon* to vindicate himſelf would look more cleanly and handſome, then for his Friends here (who make uſe of other mens private intereſts wel known to carry their deſigns on) to ſtickle, right or wrong, to continue him in Governour, that he may be capable to do further injuſtice, which Actings ſmell ſo ſtrong of private intereſt (tending to ſlavery) that I admire that perſons who would be thought juſt and wiſemen ſhould appear in acting as they do.

But I hope, when you well conſider what I have before declared, you will alter your minds and not your Law, and withall choos a new Governour, and not diſparage all the inhabitants in the *Somer-Iſlands*, who have purchaſed three fourth parts of the whole Iſlands (by their great Labour, induſtry, hazard and pains, to their great renown) and yet you declare to the World by your preſent actings, that no Man there is fit to govern but *Sr. John Heydon*.

But notwithſtanding all this that I have declared aforeſaid, you will act as you ſeem to do (by all the former Courts): however I have demonſtrated my ſelf to be a faithfull Remembrancer of you, to maintain your known and juſt Laws, who have a right, or ought to have libertie to put in my reaſons to the preventing any acting contrary to the

ſaid

ſaid Laws; and am withall, a heartie Wellwisher to the *Somer-Iſlands* Company, and to the Plantation alſo; adding thereto

Your Hon.rs moſt humble Servant

London the 14.th
of June 1676.

PERIENT TROTT.

For the Hon.ble Company
of the Somer-Iſlands

Theſe,

at *Sadlers Hall*, *London*.

Preſent.

MVSEVM
BRITAN
NICVM